Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

MS4 SWPPP Application for Reauthorization

for the NPDES/SDS General Small Municipal Separate Storm Sewer System (MS4) Permit MNR040000 reissued with an effective date of August 1, 2013

Stormwater Pollution Prevention Program (SWPPP) Document

Doc Type: Permit Application

Instructions: This application is for authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems (MS4s) under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. **No fee** is required with the submittal of this application. Please refer to "Example" for detailed instructions found on the Minnesota Pollution Control Agency (MPCA) MS4 website at http://www.pca.state.mn.us/ms4.

Submittal: This *MS4 SWPPP Application for Reauthorization* form must be submitted electronically via e-mail to the MPCA at ms4permitprogram.pca@state.mn.us from the person that is duly authorized to certify this form. All questions with an asterisk (*) are required fields. All applications will be returned if required fields are not completed.

Questions: Contact Claudia Hochstein at 651-757-2881 or claudia.hochstein@state.mn.us, Dan Miller at 651-757-2246 or daniel.miller@state.mn.us, or call toll-free at 800-657-3864.

General Contact Information (*Required fields)

MS4 Owner (with ownership or operational responsibility, or control of the MS4)

*MS4 permittee name: City of Cottage Grove *County: Washington
(city, county, municipality, government agency or other entity)

*Mailing address: 12800 Ravine Parkway South

*City: Cottage Grove *State: MN *Zip code: 55016

*Phone (including area code): 651-458-2800 *E-mail: jlevitt@cottage-grove.org

MS4 General contact (with Stormwater Pollution Prevention Program [SWPPP] implementation responsibility)

*Last name: Levitt *First name: Jennifer
(department head, MS4 coordinator, consultant, etc.)

*Title: Community Devlopment Director/City Engineer

*Mailing address: 12800 Ravine Parkway South

*City: Cottage Grove *State: MN *Zip code: 55016

*Phone (including area code): 651-458-2890 *E-mail: jlevitt@cottage-grove.org

Preparer information (complete if SWPPP application is prepared by a party other than MS4 General contact)

Last name: Burfeind First name: Ryan
(department head, MS4 coordinator, consultant, etc.)

Title: Graduate Engineer

Mailing address: 12800 Ravine Parkway South

City: Cottage Grove State: MN Zip code: 55016

Phone (including area code): 651-458-2899 E-mail: rburfeind@cottage-grove.org

Verification

1. I seek to continue discharging stormwater associated with a small MS4 after the effective date of this Permit, and shall submit this *MS4 SWPPP Application for Reauthorization* form, in accordance with the schedule in Appendix A, Table 1, with the SWPPP document completed in accordance with the Permit (Part II.D.). ☒ Yes
2. I have read and understand the NPDES/SDS MS4 General Permit and certify that we intend to comply with all requirements of the Permit. ☒ Yes

Certification (All fields are required)

☒ Yes - *I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.*

I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.

This certification is required by Minn. Stat. §§ 7001.0070 and 7001.0540. The authorized person with overall, MS4 legal responsibility must certify the application (principal executive officer or a ranking elected official).

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my application.

Name: Jennifer M. Levitt
(This document has been electronically signed)

Title: Community Devlopment Director/City Engineer Date (mm/dd/yyyy): 12/20/2013

Mailing address: 12800 Ravine Parkway S

City: Cottage Grove State: MN Zip code: 55016

Phone (including area code): 651-458-2890 E-mail: jlevitt@cottage-grove.org

Note: *The application will not be processed without certification.*

Stormwater Pollution Prevention Program Document

I. Partnerships: (Part II.D.1)

A. List the **regulated small MS4(s)** with which you have established a partnership in order to satisfy one or more requirements of this Permit. Indicate which Minimum Control Measure (MCM) requirements or other program components that each partnership helps to accomplish (List all that apply). Check the box below if you currently have no established partnerships with other regulated MS4s. If you have more than five partnerships, hit the tab key after the last line to generate a new row.

☐ No partnerships with regulated small MS4s

Name and description of partnership	MCM/Other permit requirements involved
South Washington Watershed District – The City coordinates plan review activities and partners to jointly finance water quality and flood control related implementation projects	MCM 5

B. If you have additional information that you would like to communicate about your partnerships with other regulated small MS4(s), provide it in the space below, or include an attachment to the SWPPP Document, with the following file naming convention: *MS4NameHere_Partnerships.*

Washington Conservation District - Part of the East Metro Water Resource Education Program (EMWREP), which hosts educational events for the community. MCM 1

II. Description of Regulatory Mechanisms: (Part II.D.2)

Illicit discharges

A. Do you have a regulatory mechanism(s) that effectively prohibits non-stormwater discharges into your small MS4, except those non-stormwater discharges authorized under the Permit (Part III.D.3.b.)? ☐ Yes ☒ No

1. If **yes:**

   a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

   ☒ Ordinance ☐ Contract language
   ☐ Policy/Standards ☐ Permits
   ☐ Rules
   ☐ Other, explain: _____

   b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

   Citation:

   City Code 8-4

   Direct link:

   ☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_IDDEreg.*

2. If **no:**

   Describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

We have a strong Storm Water Illicit Discharge and Illicit Connection ordinance (Section 8-4 in City Code) that meets the majority of what the MPCA considers an effective regulatory mechanism for illicit discharges. A copy of this ordinance is attached for reference. We will revise this ordinance to address the following MS4 permit requirements:

- Clearly prohibit non-stormwater discharges to your MS4 or watercourses

- Clearly define non-stormwater

We will complete these ordinance updates within 12 months of the date permit coverage is extended.

Construction site stormwater runoff control

A. Do you have a regulatory mechanism(s) that establishes requirements for erosion and sediment controls and waste controls? ☒ Yes ☐ No

1. If **yes:**

   a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

   ☒ Ordinance ☐ Contract language
   ☒ Policy/Standards ☐ Permits
   ☐ Rules
   ☐ Other, explain: _____

   b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

   Citation:

   City Code 11-6-12

   Surface Water Management Plan Section 3.2 - Policy 6.8

   Direct link:

   ☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_CSWreg.*

B. Is your regulatory mechanism at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity (as of the effective date of the MS4 Permit)? ☐Yes ☒ No

If you answered **yes** to the above question, proceed to C.

If you answered **no** to either of the above permit requirements listed in A. or B., describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

The ordinance will be updated to be at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity

C. Answer **yes** or **no** to indicate whether your regulatory mechanism(s) requires owners and operators of construction activity to develop site plans that incorporate the following erosion and sediment controls and waste controls as described in the Permit (Part III.D.4.a.(1)-(8)), and as listed below:

1.	Best Management Practices (BMPs) to minimize erosion.	☒ Yes	☐ No
2.	BMPs to minimize the discharge of sediment and other pollutants.	☒ Yes	☐ No
3.	BMPs for dewatering activities.	☒ Yes	☐ No
4.	Site inspections and records of rainfall events	☐ Yes	☒ No
5.	BMP maintenance	☒ Yes	☐ No
6.	Management of solid and hazardous wastes on each project site.	☐ Yes	☒ No
7.	Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means.	☒ Yes	☐ No
8.	Criteria for the use of temporary sediment basins.	☒ Yes	☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

The ordinance will be updated to include requirements for keeping records of rainfall events and for the management of solid and hazardous wastes on each project site.

Post-construction stormwater management

A. Do you have a regulatory mechanism(s) to address post-construction stormwater management activities?
☒ Yes ☐ No

1. If **yes:**

   a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):
   ☒ Ordinance ☐ Contract language
   ☒ Policy/Standards ☐ Permits
   ☐ Rules
   ☐ Other, explain: _____

   b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

   Citation:

   City Code 11-6-12

   Surface Water Management Plan Section 3.2

   Direct link:

   ☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_PostCSWreg.*

B. Answer **yes** or **no** below to indicate whether you have a regulatory mechanism(s) in place that meets the following requirements as described in the Permit (Part III.D.5.a.):

1. **Site plan review:** Requirements that owners and/or operators of construction activity submit site plans with post-construction stormwater management BMPs to the permittee for review and approval, prior to start of construction activity. ☒ Yes ☐ No

2. **Conditions for post construction stormwater management:** Requires the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP):

   a. For new development projects – no net increase from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No
      1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
      2) Stormwater discharges of Total Suspended Solids (TSS).
      3) Stormwater discharges of Total Phosphorus (TP).

   b. For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No
      1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
      2) Stormwater discharges of TSS.
      3) Stormwater discharges of TP.

3. **Stormwater management limitations and exceptions:**

   a. Limitations

      1) Prohibit the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas: ☐ Yes ☒ No
         a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
         b) Where vehicle fueling and maintenance occur.
         c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
         d) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.

      2) Restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse ☐ Yes ☒ No

impacts to groundwater, when the infiltration device will be constructed in areas:

a) With predominately Hydrologic Soil Group D (clay) soils.
b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
d) Where soil infiltration rates are more than 8.3 inches per hour.

3) For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), the permittee's regulatory mechanism(s) may allow exceptions as described in the Permit (Part III.D.5.a(3)(b)). The permittee's regulatory mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way during the project planning process. ☐ Yes ☒ No

4. **Mitigation provisions:** The permittee's regulatory mechanism(s) shall ensure that any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following requirements are met:

a. Mitigation project areas are selected in the following order of preference: ☐ Yes ☒ No
   1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
   2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the original construction activity.
   3) Locations in the next adjacent DNR catchment area up-stream
   4) Locations anywhere within the permittee's jurisdiction.

b. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. ☒ Yes ☐ No

c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part. ☒ Yes ☐ No

d. Mitigation projects shall be completed within 24 months after the start of the original construction activity. ☐ Yes ☒ No

e. The permittee shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part. ☐ Yes ☒ No

f. If the permittee receives payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee shall apply any such payment received to a public stormwater project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e). ☒ Yes ☐ No

5. **Long-term maintenance of structural stormwater BMPs:** The permittee's regulatory mechanism(s) shall provide for the establishment of legal mechanisms between the permittee and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the permittee, that have been implemented to meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)). This only includes structural stormwater BMPs constructed after the effective date of this permit and that are directly connected to the permittee's MS4, and that are in the permittee's jurisdiction. The legal mechanism shall include provisions that, at a minimum:

a. Allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance. ☐ Yes ☒ No

b. Include conditions that are designed to preserve the permittee's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the permittee, when those responsibilities are legally transferred to another party. ☐ Yes ☒ No

c. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with the Permit (Part III.D.5.a(2)). If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) continue to be met. ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within twelve (12) months of the date permit coverage is extended, these permit requirements are met:

B.2 - B.5: We will update our Code of Ordinances to adopt by reference our currently adopted Surface Water Management Plan (SWMP) that will be updated to specifically address B.2 - B.5. This will create a direct tie from our Code of Ordinances to the regulatory mechanisms (City policies and standards found in the SWMP) that address the post-construction stormwater management requirements in B.2 to B.5.

The SWMP contains policies that are related to the post construction stormwater management items. The SWMP will be updated to meet the new requirements of the new permit. The SWMP will be updated and approved within 12 months of the date of permit coverage extension.

III. Enforcement Response Procedures (ERPs): (Part II.D.3)

A. Do you have existing ERPs that satisfy the requirements of the Permit (Part III.B.)? ☐ Yes ☒ No

1. If **yes**, attach them to this form as an electronic document, with the following file naming convention: *MS4NameHere_ERPs.*
2. If **no**, describe the tasks and corresponding schedules that will be taken to assure that, with twelve (12) months of the date permit coverage is extended, these permit requirements are met:

   The City's current ERPs in the Storm Water Illicit Discharge and Illicit Connection Ordinance and Grading, Filling or Excavation Ordinance will be updated to satisfy the requirements of Part III.B., for the regulatory mechanisms pertaining to MCM's 3-5. This action will be completed within 12 months of the date permit coverage is extended.

B. Describe your ERPs:

Section 8-4-5 (K), (L), and (M) in our Storm Water Illicit Discharge and Illicit Connection Ordinance describes ERPs, as follows:

- Enforcement

---Notice of Violation

- Penalty

- Compensatory Action

Section11-6-12 (E) and (F) in our Grading, Filling or Excavation Ordinance describes ERPs, as follows:

- Suspension or Revocation

- Violations

IV. Storm Sewer System Map and Inventory: (Part II.D.4.)

A. Describe how you manage your storm sewer system map and inventory:

The City uses a GIS program called InfraSeek, which is maintained by a private consultant, to map all City infrastructure including the storm sewer system. This program is updated on an annual basis as new infrastructure is built.

B. Answer **yes** or **no** to indicate whether your storm sewer system map addresses the following requirements from the Permit (Part III.C.1.a-d), as listed below:

1. The permittee's entire small MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes. ☒ Yes ☐ No
2. Outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinate. ☒ Yes ☐ No
3. Structural stormwater BMPs that are part of the permittee's small MS4. ☒ Yes ☐ No
4. All receiving waters. ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

C. Answer **yes** or **no** to indicate whether you have completed the requirements of 2009 Minnesota Session Law, Ch. 172.

Sec. 28: with the following inventories, according to the specifications of the Permit (Part III.C.2.a.-b.), including:

1. All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances. ☒ Yes ☐ No
2. All wetlands and lakes, within the permittee's jurisdiction, that collect stormwater via constructed conveyances. ☒ Yes ☐ No

D. Answer **yes** or **no** to indicate whether you have completed the following information for each feature inventoried.

1. A unique identification (ID) number assigned by the permittee. ☒ Yes ☐ No
2. A geographic coordinate. ☒ Yes ☐ No
3. Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment. ☒ Yes ☐ No

If you have answered **yes** to all above requirements, and you have already submitted the Pond Inventory Form to the MPCA, then you do not need to resubmit the inventory form below.

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

E. Answer **yes** or **no** to indicate if you are attaching your pond, wetland and lake inventory to the MPCA on the form provided on the MPCA website at: http://www.pca.state.mn.us/ms4 , according to the specifications of Permit (Part III.C.2.b.(1)-(3)). Attach with the following file naming convention: *MS4NameHere_inventory*. ☐ Yes ☒ No

If you answered **no,** the inventory form must be submitted to the MPCA MS4 Permit Program within 12 months of the date permit coverage is extended.

V. Minimum Control Measures (MCMs) (Part II.D.5)

A. MCM1: Public education and outreach

1. The Permit requires that, within 12 months of the date permit coverage is extended, existing permittees revise their education and outreach program that focuses on illicit discharge recognition and reporting, as well as other specifically selected stormwater-related issue(s) of high priority to the permittee during this permit term. Describe your **current** educational program, including **any high-priority topics included**:

   The City of Cottage Grove uses many different ways of providing education to the public. These include a storm water page on the City's website, posting articles to the City's website, printing newsletter publications, and providing brochures on different storm water topics at different public buildings. We also partner with the Washington Conservation District's East Metro Water Resources Education Program (EMWREP). EMWREP provides educational events and opportunities throughout the east metro area on a variety of storm water and water quality related topics. The City also operates a community hotline which allows residents to report issues related to storm water, erosion and sediment control, and water quality.

2. List the categories of BMPs that address your public education and outreach program, including the distribution of educational materials and a program implementation plan. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

   Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the U.S. Environmental Protection Agency's (EPA) *Measurable Goals Guidance for Phase II Small MS4s* (http://www.epa.gov/npdes/pubs/measurablegoals.pdf).

   If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
City Website – Storm Water Information	Track the number of hits to the website. Track the number of storm water articles posted.
Community Hotline	This hotline is used by residents to report illicit discharges, improper disposal of waste, report construction site sedimentation and erosion control non-compliance, and report illegal connections. Track the number of calls received.
30-Day Notice of Annual Storm Water Meeting	The City publishes a 30-day notice for the annual storm water meeting. The notice is posted on the website, City Hall bulletin board, local newspaper, and any other locations the City feels necessary to allow public knowledge and awareness of the

	meeting. Track the number of locations the notice is posted.
Newsletter Publications	A city newsletter is distributed to the public, which includes information regarding volunteer opportunities, proper lawn care practices, recycling opportunities, phone numbers to report illicit discharges and construction site ESC violations, and other storm water educational material for each MCM. Track the number of newsletter articles published.
Storm Water Brochures	A variety of storm water brochures are available at City Hall and Public Works. The brochures provide public knowledge and awareness of proper lawn care practices and current storm water issues with the City. Track the number of different types of brochures. Track the number of locations brochures are available.
EMWREP Partnership	The City has partnered with the East Metro Water Resources Education Program. EMWREP provides educational events and opportunities to the public regarding water quality, storm water pollution, etc. Each year EMWREP tracks the number of events they put on.

BMP categories to be implemented	**Measurable goals and timeframes**
Prioritize Education	The City will prioritize our education efforts during the permit term, focusing on topics such as changing local business practices and promoting the adoption of residential BMP's. This will be an ongoing process throughout the permit term. The City will track how many high priority articles/newsletters are produced each year.

3. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

   1.1 - MIS Coordinator

   1.2 - MIS Coordinator

   1.3 - Graduate Engineer

   1.4 - Communications Coordinator

   1.5 - EMWREP

   1.6 - EMWREP

B. MCM2: Public participation and involvement

1. The Permit (Part III.D.2.a.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement a public participation/involvement program to solicit public input on the SWPPP. Describe your current program:

   The City uses several different mechanisms for public participation and involvement. The City operates Adopt-A-Roadway and Adopt-A-Park programs, giving residents the opportunity to keep trash and debris from entering the storm sewer system. We also have and Planning Commission and Parks, Recreation, and Natural Resource Commission which provide recommendations to the City Council regarding development and land use issues, and also gives residents a place to voice their opinions on these matters. The Commissions are made up of City residents that are appointed by the City Council. Finally, the City holds an annual Storm Water meeting, giving residents a place to discuss storm water issues and comment on the City's SWPPP.

2. List the categories of BMPs that address your public participation/involvement program, including solicitation and documentation of public input on the SWPPP. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

   Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (http://www.epa.gov/npdes/pubs/measurablegoals.pdf). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
City Adopt a Roadway	The City coordinates an Adopt-A-Roadway program within the City, to help keep the streets clean and free of trash. Track the number of adopted stretches of City roadway
City Adopt a Park Program	The City coordinates an Adopt-A-Park program with local citizens and groups. Also, the volunteers are provided a number to call the City if any large maintenance or needs or violations occur within the park. Track the number of parks adopted and the number of groups/participants in the program.
Planning Commission	The Planning Commission is an advisory group who makes recommendations on land use related issues to the City Council. The City Council makes all final decisions regarding these matters. The commission allows interested citizens a voice when determining land use issues. There are 9 members on the planning commission. Track the number of plans reviewed by the commission.
Parks, Recreation, and Natural Resource Commission	The Parks, Recreation, and Natural Resources Commission aids the City in formulating and following sound conservation and land use management. There are 7 members on the commission. Track the number of meetings held by the commission.
Annual Storm water Public Meeting	The City holds and annual storm water meeting to discuss storm water issues and allow public comments for changes to the SWPPP. The meeting is held before a City Council meeting, 1-3 months before the annual report is due. Track the number of attendees to the meeting. Track the number of complaints on storm water quality.
Environmental Commission	The Environmental Commission aids the City in monitoring and evaluating environmental issues, and providing recommendations to the City Council. There are 9 members on the commission. Track the number of meetings held by the commission.

BMP categories to be implemented	Measurable goals and timeframes
SWPPP document availability	Post the City's MS4 Permit Application and SWPPP Document on the City's website.

3. Do you have a process for receiving and documenting citizen input? ☒ Yes ☐ No

   If you answered **no** to the above permit requirement, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

   2.1 - Streets Foreman

   2.2 - Parks & Recreation Director

   2.3 - Community Development Director

   2.4 - Parks & Recreation Director

   2.5 - City Engineer

   2.6 - Graduate Engineer & Code Enforcer

C. MCM 3: Illicit discharge detection and elimination

1. The Permit (Part III.D.3.) requires that, within 12 months of the date permit coverage is extended, existing permittees revise their current program as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the small MS4. Describe your current program:

   The City has Ordinance 854 - Storm Water Illicit Discharge and Illicit Connections, which prohibits illicit discharges or illicit connections to the City storm sewer system. As part of this, 20% of outfalls are inspected annually for illicit discharges. This IDDE program will be updated to meet new permit requirements of prioritizing areas and developing written procedures for conducting IDDE inspections.

   The City also maintains the sanitary sewer system by televising and jetting a certain portion of the system each year. The televising process identifies any damage/defects the system may have, which are then repaired. The jetting of the sanitary sewer system removes blockages which will prevent any overflows from occurring.

   The City prohibits the dumping of trash or debris on any public or private property, and also coordinates with Washington County on their Environmental Services Recycling Program. Both of these efforts help keep trash and debris from entering the storm sewer system.

2. Does your Illicit Discharge Detection and Elimination Program meet the following requirements, as found in the Permit (Part III.D.3.c.-g.)?

   a. Incorporation of illicit discharge detection into all inspection and maintenance activities conducted under the Permit (Part III.D.6.e.-f.)Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). ☐ Yes ☒ No

   b. Detecting and tracking the source of illicit discharges using visual inspections. The permittee may also include use of mobile cameras, collecting and analyzing water samples, and/or other detailed procedures that may be effective investigative tools. ☒ Yes ☐ No

   c. Training of all field staff, in accordance with the requirements of the Permit (Part III.D.6.g.(2)), in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. ☒ Yes ☐ No

   d. Identification of priority areas likely to have illicit discharges, including at a minimum, evaluating land use associated with business/industrial activities, areas where illicit discharges have been identified in the past, and areas with storage of large quantities of significant materials that could result in an illicit discharge. ☐ Yes ☒ No

   e. Procedures for the timely response to known, suspected, and reported illicit discharges. ☒ Yes ☐ No

   f. Procedures for investigating, locating, and eliminating the source of illicit discharges. ☒ Yes ☐ No

   g. Procedures for responding to spills, including emergency response procedures to prevent spills from entering the small MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer, if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061. ☐ Yes ☒ No

   h. When the source of the illicit discharge is found, the permittee shall use the ERPs required by the Permit (Part III.B.) to eliminate the illicit discharge and require any needed corrective action(s). ☐ Yes ☒ No

   If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

   The process for all inspections will be changed to include illicit discharge detection.

   Priority areas that are likely to have illicit discharges will be identified, documented, and mapped.

   The City is currently working on a spill prevention plan which will include procedures to prevent spills from entering the MS4. The City also has an Emergency Management - All Hazard Plan, which will be updated to meet C.2.g.

3. List the categories of BMPs that address your illicit discharge, detection and elimination program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

   Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (http://www.epa.gov/npdes/pubs/measurablegoals.pdf).

   If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Stormwater Management Map	The City currently has a completed storm water management map. This electronic map is continually updated as new storm water infrastructure is constructed.
Illicit Discharge & Connection Ordinance; Enforcement	The City Council passed Ordinance No. 854 – Storm Water Illicit Discharge and Illicit Connection on March 4, 2009. Also the building inspector reviews all City Approved building plans

	and inspects projects for illicit connections to the storm sewer system. Document all non-compliance occurrences and resolutions
Sanitary Sewer Maintenance Program	The City maintains the sanitary sewer system to reduce the potential for sanitary sewer overflows. A certain portion of the sanitary sewer system is televised and jetted each year. Also, the City conducts periodic jetting to clean blockages and documents accordingly. Track number of miles of sanitary sewer televised & jetted.
Illegal Dumping Ordinance and Enforcement	The City's Mixed Solid Waste Ordinance prevents the Illegal dumping of trash or debris on public or private property, and includes penalties for violations.
Washington County Recycling Program	The Washington County Environmental Services Recycling Program coordinates with the City for collection of recyclable materials. A report which illustrates the amount of material taken from within the City is generated by the County. Also, the City provides educational information to the public on participating in the program. Track tons of recycled material from within the City and the number of educational information or materials conducted, available, or distributed.
Illicit Discharge Inspection Program	The City identifies and documents and dry weather flows by coordinating inspections of 20% of outfalls annually. Document number of outfalls inspected, number of illicit discharges located, and number of corrective actions taken.

BMP categories to be implemented	**Measurable goals and timeframes**
Prioritize Areas	The City will prioritize areas that are likely to have illicit discharge and will perform additional inspections in those areas. Priority areas will be identified within 6 months of the date permit coverage is extended.
Written Procedures	Develop written procedures for conducting on-going inspections and for responding to known, suspected, and reported illicit discharges. Written procedures will be created within 6 months of the date permit coverage is extended.
Ordinance updates	The City will update the Storm Water Illicit Discharge and Illicit Connection ordinance to meet the MS4 permit requirements. This action will be completed within 12 months of the date permit coverage is extended.

4. Do you have procedures for record-keeping within your Illicit Discharge Detection and Elimination (IDDE) program as specified within the Permit (Part III.D.3.h.)? ☐ Yes ☒ No

   If you answered **no**, indicate how you will develop procedures for record-keeping of your Illicit Discharge, Detection and Elimination Program, within 12 months of the date permit coverage is extended:

   Procedures for record-keeping within the IDDE program will be created that meet Part III.D.3.h of the Permit.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

   3.1 - City Engineering

   3.2 - Graduate Engineer

   3.3 - Utilities Foreman

   3.4 - Graduate Engineer

   3.5 - Fleet Foreman

   3.6 - Streets Foreman

D. MCM 4: Construction site stormwater runoff control

1. The Permit (Part III.D.4) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. Describe your current program:

The City has Ordinance 701 in place to regulate grading, filling, or excavation activities within the City Limits. The ordinance requires that BMP be installed on construction projects and allows for erosion and sediment control inspections to be conducted by the City. The ordinance also requires that the owner/operator of a construction activity bring their site in compliance on receipt of a written notice from the City. The City also has an erosion control policy in place that gives further detail on the time frames of bringing a site in compliance, and the enforcement procedures if such steps are not taken.

The City reviews all construction and grading plans for compliance with storm water and erosion control requirements. The City also has created standard detail drawings for the minimum erosion and sediment control BMP's to be used for construction site runoff control. Grading pre-construction meetings are also held to go over the erosion and sediment control plan for construction projects, and any other construction site runoff/storm water issues that may need to be addressed.

2. Does your program address the following BMPs for construction stormwater erosion and sediment control as required in the Permit (Part III.D.4.b.):

   a. Have you established written procedures for site plan reviews that you conduct prior to the start of construction activity? ☐ Yes ☒ No

   b. Does the site plan review procedure include notification to owners and operators proposing construction activity that they need to apply for and obtain coverage under the MPCA's general permit to *Discharge Stormwater Associated with Construction Activity No. MN R100001*? ☐ Yes ☒ No

   c. Does your program include written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee? ☐ Yes ☒ No

   d. Have you included written procedures for the following aspects of site inspections to determine compliance with your regulatory mechanism(s):

      1) Does your program include procedures for identifying priority sites for inspection? ☐ Yes ☒ No

      2) Does your program identify a frequency at which you will conduct construction site inspections? ☐ Yes ☒ No

      3) Does your program identify the names of individual(s) or position titles of those responsible for conducting construction site inspections? ☐ Yes ☒ No

      4) Does your program include a checklist or other written means to document construction site inspections when determining compliance? ☒ Yes ☐ No

   e. Does your program document and retain construction project name, location, total acreage to be disturbed, and owner/operator information? ☒ Yes ☐ No

   f. Does your program document stormwater-related comments and/or supporting information used to determine project approval or denial? ☒ Yes ☐ No

   g. Does your program retain construction site inspection checklists or other written materials used to document site inspections? ☒ Yes ☐ No

   If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

   The City has already started the process of creating a checklist that will be used for the site plan review process. This checklist will also notify owners/operators proposing a construction activity of the need to apply for coverage under the MPCA's general permit. The City will also develop written procedures for receiving reports from the public on storm water/construction related issues. The City conducts erosion and sediment control inspections weekly and after every rain event greater than 0.5", on all land disturbing activities within the City limits, not just on priority sites. The erosion and sediment control program will be updated to include the frequency of inspections and the title of the erosion control inspector.

3. List the categories of BMPs that address your construction site stormwater runoff control program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

   Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (http://www.epa.gov/npdes/pubs/measurablegoals.pdf). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	**Measurable goals and timeframes**
Ordinance/Regulatory Mechanism for Construction Site Runoff Control	The City Council passed Ordinance No. 701 – Grading, Filling, or Excavation on July 18, 2001.
Construction Site Plan Review	The City reviews plans from development and redevelopment projects and determines if appropriate temporary and permanent erosion and sediment control BMP's illustrated on the plan will meet the minimum City requirements. Track number of plans reviewed.

ESC Inspection & Enforcement Program	The City conducts erosion and sediment control inspections on all land disturbing activities within the City. The City also has written enforcement procedures in place requiring the cure of erosion or sediment control violations/deficiencies on constructions sites. Track the number of job sites inspected for ESC. Track the number of enforcement actions taken.
Grading Pre-Construction Meetings	The City holds pre-construction meetings prior to grading activities occurring within the City. Track the number of pre-construction meetings held each year.
Minimum Erosion & Sediment Control BMP's	The City has developed standard BMP detail drawings for construction site runoff control. These detail drawings are evaluated and updated as needed

BMP categories to be implemented	**Measurable goals and timeframes**
Written Procedures for Site Plan Review	The City is currently in the process of creating a checklist that will be used for the site plan review process. This checklist will be finalized and in place within 6 months of permit coverage extension.
Written Procedures for Public Input	Written procedures will be developed for receiving public input on active construction sites. Written procedures will be in place within 6 months of permit coverage extension
Ordinance updates	The City will update the Grading, Filling or Excavation ordinance to meet the MS4 permit requirements. This action will be completed within 12 months of the date permit coverage is extended.

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

   4.1 - Graduate Engineer

   4.2 - City Engineer

   4.3 - Graduate Engineer

   4.4 - City Engineer

   4.5 - Graduate Engineer

E. MCM 5: Post-construction stormwater management

1. The Permit (Part III.D.5.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater management program. Describe your current program:

   The City has a zoning and subdivision ordinance that is used to determine how growth best interfaces with the City's natural resources. Minimum setbacks from natural resources, impervious surface regulations for certain districts, and other building requirements are included. The City also has design standards for all proposed storm water ponds and sediment basins within the City.

   The City's approved Surface Water Management Plan details the overall physical description of the City's storm sewer system, including the storm water infrastructure and natural features. The SWMP includes policy and goals for future development and re-development regarding TSS, TP, and stormwater discharge volumes.

   The City also has a post construction plan review process that we use to review both development and re-development projects. During this process we review projects to ensure that properly designed practices are installed and functioning to the appropriate level for storm water control according to the approved SWMP and zoning/subdivision ordinance. The projects are also reviewed to ensure appropriate measures are established for long term operation and maintenance of BMPs

2. Have you established written procedures for site plan reviews that you will conduct prior to the start of construction activity? ☐ Yes ☒ No

3. Answer **yes** or **no** to indicate whether you have the following listed procedures for documentation of post-construction stormwater management according to the specifications of Permit (Part III.D.5.c.):

   a. Any supporting documentation that you use to determine compliance with the Permit (Part III.D.5.a), including the project name, location, owner and operator of the construction activity, any ☐ Yes ☒ No

checklists used for conducting site plan reviews, and any calculations used to determine compliance?

b. All supporting documentation associated with mitigation projects that you authorize? ☒ Yes ☐ No

c. Payments received and used in accordance with Permit (Part III.D.5.a.(4)(f))? ☒ Yes ☐ No

d. All legal mechanisms drafted in accordance with the Permit (Part III.D.5.a.(5)), including date(s) of the agreement(s) and names of all responsible parties involved? ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the steps that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

The City's post-construction stormwater management program will be updated to include procedures for supporting documentation that is used to determine compliance, and all legal mechanisms that are drafted in accordance with the Permit.

4. List the categories of BMPs that address your post-construction stormwater management program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

   Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (http://www.epa.gov/npdes/pubs/measurablegoals.pdf). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	**Measurable goals and timeframes**
Stormwater Pond Design Standards	Track the number of new storm water ponds constructed.
Zoning & Subdivision Ordinance	The zoning ordinance is reviewed and updated as required.
Storm Water Management Plan	The City has completed a Surface Water Management Plan which includes information on the overall physical description of the City's storm sewer system. In addition the SWMP includes policies and goals for future development and redevelopment within the City. The SWMP is reviewed and updated as required.
Post-Construction Plan Review Process	The City's post construction plan review process is used to ensure development and re-development include proper design standards for storm water control according to the approved SWMP, and the appropriate measures are established for long-term operation and maintenance of BMP's. Track the number of plans reviewed, and the number of as-built surveys conducted and reviewed.
Comprehensive Plan	The City Comprehensive Plan will ensure long term planning and organized growth for development and redevelopment. The plan establishes City goals and recommended policies/implementation procedures for future growth and development. The plan is reviewed and updated as necessary.
Long Term Operation & Maintenance of the Storm Water System	The City has created a 5-year plan for the storm sewer system, for 2014-2018. This plan includes information on the overall maintenance plan of the storm sewer system, along with what maintenance tasks will be completed each of the next five years.

BMP categories to be implemented	**Measurable goals and timeframes**
Long-Term Maintenance of Privately Owned BMPS's	Develop post construction regulatory mechanisms to allow the City to conduct inspections, perform maintenance, and assess costs to maintain structural stormwater BMP's not owned by the City and constructed after the effective date of the permit. Regulatory mechanisms will be in place within 12 months of permit coverage extension
Regulatory mechanism updates	The City will update the Grading, Filling or Excavation ordinance to include a reference to the adopted SWMP and the City will update the SWMP to meet the MS4 permit requirements for post-construction stormwater management. This action will be completed within 12 months of the date permit coverage is extended.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

   5.1 - Graduate Engineer

   5.2 - Senior Planner

   5.3 - Graduate Engineer

   5.4 - City Engineer

   5.5 - Senior Planner

   5.6 - Graduate Engineer

F. MCM 6: Pollution prevention/good housekeeping for municipal operations

1. The Permit (Part III.D.6.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement an operations and maintenance program that prevents or reduces the discharge of pollutants from the permittee owned/operated facilities and operations to the small MS4. Describe your current program:

   The City's pollution prevention/good housekeeping for municipal operations includes many components. The City maintains municipal lawn care maintenance, municipal street sweeping, street de-icing, and fleet and building operation & maintenance programs. As part of these programs employee training is conducted on the proper techniques related to each program.

   The City also conductions inspections on all ponds, outfalls, sediment basins, and structural pollution control devices. Information collected during these inspections is used to determine what repairs/maintenance tasks are required to be completed. Storm sewer pipes are also inspected and cleaned as part of the Storm Sewer Maintenance Program. The inspections are completed by televising a certain portion of the storm sewer system, which identifies and damage to the system and associated repairs. The section of the system that is televised is also cleaned using a vacuum truck, which removes sediment/debris from the storm sewer system before it can reach an outfall.

   The City also implements erosion and sediment control BMP's on construction or land disturbing projects that are completed by City Employees.

2. Do you have a facilities inventory as outlined in the Permit (Part III.D.6.a.)? ☐ Yes ☒ No

3. If you answered **no** to the above permit requirement in question 2, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

   A facilities inventory will be created for all facilities that contribute pollutants to stormwater discharges.

4. List the categories of BMPs that address your pollution prevention/good housekeeping for municipal operations program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

   Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. For an explanation of measurable goals, refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (http://www.epa.gov/npdes/pubs/measurablegoals.pdf).

   If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Municipal Lawn Care Maintenance Program	The City maintains its park space, landscaped medians, and other municipal landscaped areas to protect water quality. Fertilizer, pesticide, and herbicide are applied to municipal lawns. The City reviews existing practices and includes training for employees on proper handling, storage, and application. Track the amount of fertilizer applied, amount of herbicide and pesticide applied, and the number of employees trained.
Municipal Street Sweeping Program	Residential City streets are swept bi-annually to collect litter and debris, and commercial areas are swept monthly. Track the total hours of sweeping.
Street De-Icing Program	The City has switched to apply only salt to streets in the winter months. City plow trucks are equipped with advanced spreading

	technology, which take into account road surface temperature and vehicle speed to apply the optimum amount of salt. Employee training on proper storage/handling and application is also completed. Track the number of employees trained and the amount of salt applied to streets.
Pond, Outfall, and Sediment Basin Inspection	Each year a minimum of 20% of all ponds/sediment basins and outfalls are inspected. Track the number of outfalls, ponds, and sediment basins inspected. Track the number of maintenance actions required.
Fleet and Building Operation & Maintenance Program	Protect vehicle maintenance practices against spills and leaks into the City's MS4, and regularly maintain equipment within the City and inspect for leaks. Track the number of vehicles maintained each year and the number of employees trained for proper O&M.
Hazardous Material Storage and Recycling Program	The City has developed standard procedures for storage, handling, and recycling of municipal hazardous waste. This includes designated storage rooms/containers for recycle oil, batteries, fluorescent light bulbs, antifreeze, and floor dry. Track the completed recycling of these components, and the number of employees trained.
Storm Sewer Maintenance Program	The City televises and cleans a certain portion of the storm sewer system each year. We track the miles of storm sewer televised and cleaned.
Structural Pollution Control Device Inspection & Maintenance	The City inspects all structural pollution control devices each year and maintains them as required. Track the number of devices inspected and the number of maintenance actions performed.
New Construction and Land Disturbance O&M	The City will utilize erosion and sediment control BMP's for construction and land disturbance work that is completed by City employees. Track the number of employees trained and the number of ESC BMP's implemented on municipal projects.
Inspection Analysis and Frequency	The City will keep records of inspection results of structural storm water BMP's. These results will be used to determine if the inspection frequency need to be altered. Keep track of number of structures inspected and the number of inspection modifications.
Stockpile, Storage, and Material Handling Program	The City identifies and manages all exposed stockpiles to ensure perimeter controls are in place to prevent the offsite migration of stockpile material. Track the number of exposed stockpiles
BMP categories to be implemented	**Measurable goals and timeframes**
Facilities Inventory	The City will complete an inventory of facilities that we own and operate that contribute pollutants to storm water. The inventory shall include a map and spreadsheet of all materials being stored along with BMP's designated to prevent the discharge of pollutants in storm water. The inventory will be completed within 6 months of the date coverage is extended and will be updated as required thereafter
Stockpiles and Material Handling Inspections	Stockpiles and materials handling areas at facilities owned and operated by the City will be inspected. These inspections will be conducted quarterly. Track the number of inspections completed.
Pond Assessment Procedures	Procedures will be developed for evaluating the TSS and TP treatment effectiveness of City owned/operated ponds. A schedule will be created for when this activity will be completed. The schedule and procedures will be developed within 12 months of the date permit coverage is extended. The number of treatment evaluations will be tracked.
Employee Training Program	An employee training program will be developed for stormwater management that is commensurate with each employee's job duties. The number of employees train each year will be tracked.

5. Does discharge from your MS4 affect a Source Water Protection Area (Permit Part III.D.6.c.)? ☒ Yes ☐ No

   a. If **no**, continue to 6.

   b. If **yes**, the Minnesota Department of Health (MDH) is in the process of mapping the following items. Maps are available at http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm. Is a map including the following items available for your MS4:

      1) Wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330? ☒ Yes ☐ No

      2) Source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act, U.S.C. §§ 300j – 13? ☒ Yes ☐ No

   c. Have you developed and implemented BMPs to protect any of the above drinking water sources? ☒ Yes ☐ No

6. Have you developed procedures and a schedule for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater, according to the Permit (Part III.D.6.d.)? ☐ Yes ☒ No

7. Do you have inspection procedures that meet the requirements of the Permit (Part III.D.6.e.(1)-(3)) for structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas? ☐ Yes ☒ No

8. Have you developed and implemented a stormwater management training program commensurate with each employee's job duties that:

   a. Addresses the importance of protecting water quality? ☐ Yes ☒ No

   b. Covers the requirements of the permit relevant to the duties of the employee? ☐ Yes ☒ No

   c. Includes a schedule that establishes initial training for new and/or seasonal employees and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements? ☐ Yes ☒ No

9. Do you keep documentation of inspections, maintenance, and training as required by the Permit (Part III.D.6.h.(1)-(5))? ☒ Yes ☐ No

   If you answered **no** to any of the above permit requirements listed in **Questions 5 – 9**, then describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

   Procedures and a schedule will be developed for evaluating the TSS and TP treatment effectiveness of City owned/operated ponds.

   Stockpiles and materials handling areas at facilities owned and operated by the City will be inspected quarterly.

   A training program will be developed that is commensurate with each employee's job duties.

10. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

    6.1 - Parks & Recreation Director

    6.2 - Streets Foreman

    6.3 - Streets Foreman

    6.4 - Streets Foreman

    6.5 - Fleet Foreman

    6.6 - Fleet Foreman

    6.7 - Graduate Engineer

    6.8 - Graduate Engineer

    6.9 - Graduate Engineer

    6.10 - Graduate Engineer

    6.11 - Graduate Engineer

VI. Compliance Schedule for an Approved Total Maximum Daily Load (TMDL) with an Applicable Waste Load Allocation (WLA) (Part II.D.6.)

A. Do you have an approved TMDL with a Waste Load Allocation (WLA) prior to the effective date of the Permit? ☒ Yes ☐ No

1. If **no**, continue to section VII.
2. If **yes**, fill out and attach the MS4 Permit TMDL Attachment Spreadsheet with the following naming convention**:** *MS4NameHere_TMDL.*

   This form is found on the MPCA MS4 website: http://www.pca.state.mn.us/ms4.

VII. Alum or Ferric Chloride Phosphorus Treatment Systems (Part II.D.7.)

A. Do you own and/or operate any Alum or Ferric Chloride Phosphorus Treatment Systems which are regulated by this Permit (Part III.F.)? ☐ Yes ☒ No

1. If **no**, this section requires no further information.
2. If **yes**, you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your small MS4, then you must submit the Alum or Ferric Chloride Phosphorus Treatment Systems Form supplement to this document, with the following naming convention: *MS4NameHere_TreatmentSystem*.

   This form is found on the MPCA MS4 website: http://www.pca.state.mn.us/ms4.

VIII. Add any Additional Comments to Describe Your Program

TMDL Wasteload Allocation Excel Spreadsheet PART II.D.6.a.-e.

Copy and paste from the Master List MS4 TMDL Spreadsheet for your MS4 to the space below.

Attach this completed form with your SWPPP Document at the time of submittal. At a ***minimum,*** *provide all of the information "*" items (TMDL Project Name, Type of WLA, Numeric WLA, Unit, Flow Condition, and Pollutant of Concern).*

Permittee name	Preferred ID	TMDL project name*	Waterbody ID	Type of WLA*	Numeric WLA*	Unit*	Percent reduction	Flow condition*	Waterbody name	Pollutant of concern*	Date approved
Cottage Grove City	MS400082	Lake St. Croix Nutrient TMDL	82-0001	Categorical	24.1	lbs/day	34%	N/A	Lake St. Croix	Phosphorus	8/8/2012

Compliance Schedule PART II.D.6.f.-g.

Is your MS4 currently meeting its WLA for any approved TMDLs? — Go to: Table 1 — Go to: Strategies… — Go to: Table 2

☐ **NO** (Complete Table 1. Strategies for continued BMP implementation beyond the term of this permit, and Table 2 below)

☑ **YES** (Provide the following information below)

If YES, indicate the WLAs (may be grouped by TMDL Project) you believe are reasonably being met. For each WLA, list the implemented BMPs and provide a narrative strategy for the long-term continuation of meeting each WLA. PART II.D.6.g.(1)-(2)

The Lake St. Croix Nutrient TMDL area is within the city limits of Cottage Grove, but does not receive discharge from the City's MS4 s ystem. As the City's MS4 system expands into the TMDL area, appropriate BMP's will be incorporated to meet the WLA.

Table 1

Fill in the following table with your Interim Milestones, BMP IDs, and Implementation Dates. Replace "TMDL Project Name & Pollutant" Columns with each TMDL Project Name and the corresponding pollutant. Then put an "X" in the boxes for the TMDL that corresponds with each BMP. PART II.D.6.f.(1)-(2)

NOTE:
It is recommended to assign each Interim Milestone (BMP) a BMP ID. You will be required to report on the status of each Int erim Milestone and include a BMP ID for all structural BMPs as part of the MS4 Annual Report (see Part III.E.), so including tho se ID numbers at the time of application may be useful in tracking implementation efforts. If a pond that will be included in the p ond inventory (Part III.C.2.) is to be applied toward a WLA, use the same ID for both the pond inventory and TMDL tracking. Non-structural BMPs are not required to have an ID, but it may be useful to assign it an ID for internal MS4 recordkeeping.

MPCA recommends the Implementation Dates align with the submittal of MS4 Annual Reports. Dates selected may not reflect the a ctual date a BMP is implemented, but shall indicate a BMP will be implemented on that date or before for that reporting year.

Interim Milestone (Best Management Practice)	BMP ID	Implementation Date	TMDL Project Name & Pollutant1	TMDL Project Name & Pollutant2	TMDL Project Name & Pollutant3	TMDL Project Name & Pollutant4	TMDL Project Name & Pollutant5	TMDL Project Name & Pollutant6	TMDL Project Name & Pollutant7	TMDL Project Name & Pollutant8	TMDL Project Name & Pollutant9	TMDL Project Name & Pollutant10	TMDL Project Name & Pollutant11	TMDL Project Name & Pollutant12	TMDL Project Name & Pollutant13	TMDL Project Name & Pollutant14	TMDL Project Name & Pollutant15	TMDL Project Name & Pollutant16	TMDL Project Name & Pollutant17	TMDL Project Name & Pollutant18	TMDL Project Name & Pollutant19	TMDL Project Name & Pollutant20	TMDL Project Name & Pollutant21	TMDL Project Name & Pollutant22	TMDL Project Name & Pollutant23

Strategies for continued BMP implementation beyond the term of this permit. PART II.D.6.f.(3)

Table 2

Target dates the applicable WLA(s) will be achieved. PART II.D.6.f.(4)

TMDL Project	Target Date to Achieve WLA

ORDINANCE NO. 854

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA; AMENDING TITLE 8, WATER AND SEWER OF THE CITY CODE, BY ADDING CHAPTER 4 RELATING TO STORM WATER ILLICIT DISCHARGE AND ILLICIT CONNECTION

The City Council of the City of Cottage Grove, Washington County, Minnesota, does hereby ordain as follows:

Section 1. Title 8 is amended by adding Chapter 4, Storm Water Illicit Discharge and Illicit Connection, to read as follows:

CHAPTER 4. STORM WATER ILLICIT DISCHARGE AND ILLICIT CONNECTION

SECTIONS:

8-4-1: FINDINGS, PURPOSE, AND INTENT:

A. The City of Cottage Grove hereby finds that non-storm water discharges to the City's municipal separated storm sewer system (MS4) are subject to higher levels of pollutants that enter into receiving water bodies and adversely affect the public health, safety and general welfare by impacting water quality, creating nuisances, impairing other beneficial uses of environmental resources, and hindering the ability of the City of Cottage Grove to provide adequate water, sewage, flood control, and other community services.

B. The purpose of the ordinance is to promote, preserve and enhance the natural resources within the City of Cottage Grove and protect them from adverse effects occasioned by non-storm water

requiring illicit discharge management practices for all discharge activities

8-4-2: DEFINITIONS: The following definitions apply to this chapter:

Authorized Enforcement Agency:	The Public Works Department of the City whose officers and employees are authorized to enforce this ordinance and that is led by the Director of Public Works.
Best Management Practices (BMP):	Practices to prevent or reduce the pollution of the waters of the state, including schedules of activities, prohibitions of practices, and other management practice, and also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage.
Discharge:	The addition; including, but not limited to, introducing, releasing, leaking, spilling, casting, throwing, or emitting; of any pollutant to the waters of the state or to any disposal system.
Groundwater:	Water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground.
Illicit Connection:	Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm sewer system including, but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water and any connections to the storm sewer system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an Authorized Enforcement Agency; or, Any drain or conveyance connected from a residential, commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an Authorized Enforcement

	Agency.
Illicit Discharge:	Any direct or indirect non-storm water discharge to the municipal separate storm sewer system, except as exempted in Section 8-4-5B1 of this ordinance.
Industrial Activity:	Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26(b)(14).
Municipal Separate Storm Sewer System (MS4):	The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basis, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage.
National Pollutant Discharge Elimination System (NPDES):	The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345 authorizing the discharge of pollutants to water of the State.
Person:	Any individual, firm, corporation, partnership, franchise, association or governmental entity recognized by law and acting as either the owner or as the owner's agent.
Pollutant:	Anything that causes or contributes to pollution, including any sewage, industrial waste, hazardous waste, or other wastes discharged into a disposal system or to waters of the state.
Pollute:	To discharge pollutants into waters of the state.
Pollution:	The direct or indirect addition of pollutants into waters of the state.
Storm Sewer System:	Conveyance or system of conveyances that is owned and operated by the City or other entity and designed or used for collecting or conveying storm water.

Storm Water:	Precipitation runoff, storm water runoff, snow melt runoff, and any other water surface runoff and drainage.
Surface Water:	All waters of the state other than ground waters, which include ponds, lakes, rivers, streams, wetlands, public ditches, tax ditches, and public drainage systems except those designed and used to collect, convey, or dispose of sanitary sewage.
Waters of the State:	Streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

8-4-3 APPLICABILITY, ENFORCEMENT, AND SEVERABILITY:

A. Applicability. This ordinance shall apply to all water entering the Storm Sewer System generated on any developed and undeveloped land unless explicitly exempted by the Authorized Enforcement Agency.

B. Enforcement. The Authorized Enforcement Agency shall administer, implement, and enforce the provisions of this ordinance.

C. Severability. The provisions of this ordinance are severable. If any provision is held invalid, such invalidity shall not affect the other provisions of this ordinance.

8-4-4 MINIMUM STANDARDS

The standards set forth in this ordinance and promulgated pursuant to this ordinance are minimum standards. This ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

8-4-5 STORM WATER AND URBAN RUNOFF CONTROL:

A. Illegal Disposal and Dumping

1. No person shall throw, deposit, place, leave, maintain, keep, or otherwise discharge or allow others to discharge any substance into the MS4 or the Storm Sewer System or upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any public or private plot of land, so that the same is or will become a pollutant, except in containers, recycling bags, or other lawfully established waste disposal facilities.

2. No person shall intentionally dispose of grass, leaves, dirt, or landscape material into the Storm Sewer System or into a water resource, buffer, street, road, alley, catch basin, culvert, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any storm water system.

B. Illicit Discharges and Connections

1. No person shall cause or allow others under its control to cause any illicit discharge to enter the MS4 or any surface water unless such discharge:

   a. Consists of non-storm water that is authorized by an NPDES point source permit obtained from the MPCA;

   b. Is associated with fire fighting activities or other activities necessary to protect public health and safety; or

   c. Is one of the following exempt discharges: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (but not active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, dechlorinated swimming pools, and any other water discharge not containing Pollutants.

2. Dye testing is an allowable discharge, but requires a verbal notification to the Authorized Enforcement Authority prior to the time of the test.

3. No person shall use any illicit connections to intentionally convey non-storm water into the Storm Sewer System.

4. The construction, use, maintenance or continued existence of illicit connections to the Storm Sewer System is prohibited. This prohibition expressly includes, without limitation; illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

5. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

C. Good Housekeeping Provisions

Any owner or occupant of property within the City shall comply with the following good housekeeping requirements:

1. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or the Storm Sewer System or MS4 may occur. This section shall apply to both actual and potential discharges.

    a. Individual septic systems must be maintained to protect the public health, safety, and general welfare and to prevent failure, which has the potential to pollute surface water.

    b. Recreational vehicle sewage shall be disposed to a proper sanitary waste facility. Waste should not be discharged in an area where drainage to streets or the Storm Sewer System may occur.

    c. For chlorinated pools, water should sit seven (7) days without the addition of chlorine (to allow for the evaporation of chlorine) before discharge.

2. Runoff of water from residential property shall be minimized to the maximum extent practicable. Runoff of water from the washing down of paved areas in commercial or industrial property is prohibited unless necessary for health or safety purposes and not in violation of any other provisions in City Code.

3. Mobile washing companies, including but not limited to carpet cleaning, and mobile vehicle washing, shall dispose of wastewater to the sanitary sewer. Wastewater from these company activities should not be discharged where drainage to streets or a storm sewer system may occur.

4. Storage of materials, machinery, and equipment:

   a. Objects, such as motor vehicle parts, containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials shall not be stored in areas susceptible to runoff or drainage into the Storm Sewer System or MS4.

   b. Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff or drainage shall be placed in a confined area to contain leaks, spills, or discharges.

5. Debris and residue shall be removed, as noted below:

   a. All motor vehicle parking lots; including but not limited to commercial, non-profit organization, and multi-family residential parking lots; and private streets should be swept, at a minimum of once a year in the spring to remove debris. Such debris should be collected and properly disposed.

   b. Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries shall be removed as soon as possible and properly disposed.

   c. Household hazardous waste may be disposed of through the county collection program or at any other appropriate disposal site and shall not be placed in a trash container.

D. Industrial Activity Discharges

Any person subject to an industrial activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Authorized Enforcement Agency prior to the allowing of discharges to the MS4. All facilities that have storm

water discharges associated with industrial activity must adhere to the following guideline:

1. Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

E. Notifications of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into storm water, the Storm Sewer System, the MS4, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Authorized Enforcement Agency no later than the next business day. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retains for at least three (3) years. Failure to provide notification of a release as provided herein is a violation of this ordinance.

F. Access to Buildings for Inspection, Monitoring, and/or Dye Testing

1. The Authorized Enforcement Agency shall be permitted to enter and inspect all buildings under this ordinance as often as may be necessary to determine compliance with this ordinance. If a building has security measures in force that require proper identification and clearance before entry into the premises, the owner or its designee shall make the necessary arrangements to allow access to the Authorized Enforcement Agency.

2. Facility operators shall allow the Authorized Enforcement Agency ready access to all parts of the premises for the purposes of inspection, sampling, dye testing, examination and copying of records that relate to the discharge of storm water.

3. The Authorized Enforcement Agency shall have the right to set up at any building such devices as are necessary in the opinion of the Authorized Enforcement Agency to conduct monitoring, sampling or dye testing of the facility's storm water discharge.

4. The Authorized Enforcement Agency has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense.

5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected or sampled shall be promptly removed by the operator at the written or oral request of the Authorized Enforcement Agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.

6. Unreasonable delays in allowing the Authorized Enforcement Agency access to a facility are a violation of this ordinance.

7. If the Authorized Enforcement Agency has been refused access to any part of the premises from which storm water is discharged, and is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Authorized Enforcement Agency may seek issuance of a search warrant from any court of jurisdiction.

8. This section applies to commercial, industrial, and residential buildings and facilities.

G. Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices

The Authorized Enforcement Agency will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the Storm Sewer System, or waters of the state. The owner or operator of such activity, operation, or facility, shall provide, at their own expense, reasonable protection from accidental discharge or prohibited materials or other wastes into the municipal storm sewer system through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. These BMPs shall be part of a storm water management plan (SWMP) as necessary for compliance with the requirements of the NPDES permit.

H. Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. The owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

I. Suspension of Storm Sewer System Access

1. Suspension due to Illicit Discharges in emergency situations. The Authorized Enforcement Agency may, without prior notice, suspend storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the Authorized Enforcement Agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the State, or to minimize danger to persons.

2. Suspension due to the detection of Illicit Discharge. Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination

would abate or reduce an Illicit Discharge. The Authorized Enforcement Agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the City Council for a reconsideration. A person commits an offense if the person reinstates its MS4 access to premises terminated pursuant to this section, without the prior approval of the Authorized Enforcement Agency.

J. Violations

1. It shall be unlawful for any person to violate any provision or fail to comply with any requirement of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance may be subject to enforcement actions outlined in this ordinance and state and federal law.

2. In the event the violation constitutes an immediate danger to public health or public safety, the Authorized Enforcement Agency is authorized to enter upon the subject private property, without giving proper notice, to take any and all measures necessary to abate the violation or restore the property. The City is authorized to seek costs of the abatement.

3. In addition to the processes and penalties provided in this ordinance, any condition caused or permitted to exist in violation of any provisions of this ordinance is a threat to public health, safety, and welfare and is declared and deemed a nuisance under City Code.

K. Enforcement

1. Notice of Violation. Whenever the Authorized Enforcement Agency finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Authorized Enforcement Agency may order compliance by written notice of violation to the responsible person.

   Such notice may require without limitation:

   a. The performance of monitoring, analyses, and reporting;
   b. The elimination of Illicit Connections or Illicit Discharges;
   c That violating discharges, practices, or operations shall cease and desist;

d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;

e. The payment of administrative and remediation costs; and

f. The implementation of source control or treatment BMPs.

2. If abatement of a violation or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

3. Any person receiving a notice of violation may appeal the determination of the Authorized Enforcement Agency by filing an appeal with the Authorized Enforcement Agency within ten (10) days from the date of the notice of violation. A hearing on the appeal will be before the City Council within thirty (30) days of the receipt of the appeal. The decision of the City Council shall be final.

4. If the bill received for abatement or restoration is not paid within thirty (30) days, the City may draw the amount of the bill from any financial guarantees the City may hold or may assess the property from which the violation occurred or is occurring. After notice and hearing as provided pursuant to Minnesota Statutes, Section 429.061, the City Council may then spread the charges against the property benefited as a special assessment under Minnesota Statutes, Section 429.101, for certification to the County Auditor and collection along with the current taxes the following year or in annual installations not exceeding ten (l0) years as the City Council may determine in each case.

5. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or a provided by the City Council after an appeal, then the Authorized Enforcement Agency may enter upon the subject private property and take any and all measures necessary to abate the violation or restore the property. If shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the Authorized Enforcement

Agency, or its designated contractor, to enter the premises for the purposes set forth above.

L. Penalty

The offending party will be issued an administrative citation for the unsatisfactory condition at the time the written notice of violation is given. Any person who fails to take remedial measures, fails to cure, or continues to violate this ordinance may be subject to civil and criminal penalties. Remedies are not exclusive of any other remedies available under applicable federal, state, or local laws. It is within the discretion of the City to seek cumulative remedies. The City many recover attorneys' fees, court costs, and related expenses (including but not limited to sampling and monitoring expenses) associated with the enforcement of this ordinance to the extent permitted by law.

M. Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the City may impose alternative compensatory actions upon a violator, such as storm drain stenciling, attendance at compliance workshops, storm water pond cleanup, or related activities.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 4th day of March, 2009.

Myron Bailey, Mayor

Attest:

Caron M. Stransky, City Clerk

ORDINANCE NO. 701

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA; AMENDING TITLE 10, SUBDIVISION ORDINANCE OF THE CITY CODE CONCERNING TITLE 10-5-8 AND AMENDING TITLE 11, ZONING ORDINANCE OF THE CITY CODE CONCERNING TITLE 11-6-12

The City Council of the City of Cottage Grove, Washington County, Minnesota does ordain as follows:

Section 1. Amendment. "The Code of the City of Cottage Grove, County of Washington, State of Minnesota" shall be amended by deleting Title 10-5-8 "Erosion Control During Construction."

Section 2. Amendment. "The Code of the City of Cottage Grove, County of Washington, State of Minnesota" shall be amended by amending Title 11-6-12 to read as follows:

11-6-12: ~~**Surface Water Drainage** No land shall be developed and no use shall be permitted that results in water flooding or erosion on adjacent properties. Such runoff shall be properly channeled into a storm drain, watercourse, ponding area, or other public facility. All new development shall include provision of curbs and gutters along public streets. (1971 Code § 28-47)~~ **Grading, Filling or Excavation:**

A. General.

1. No person shall undertake, authorize, or permit any of the following actions without first having obtained a grading permit from the city:

a. Any excavating, grading, filling, or other change in the earth's topography resulting in the movement of more than 20 cubic yards of material, except in any wetlands, designated floodplain, or Shoreland District. A permit is not required in conjunction with a Council approved mining permit;

b. Earthwork undertaken in accordance with grading plans approved in conjunction with a site and building plan review, rural subdivision or plat approval;

c. Any excavation, grading, or filling in a wetland, designated floodplain, or Shoreland District.

4. The plan must be approved, where required, by appropriate watershed districts, the United States Army Corps of Engineers, the Minnesota Department of Natural Resources, and any other governmental agency that has jurisdiction.

5. In addition to all other plan requirements in this Chapter, any applicant disturbing an amount of total land area equal to or exceeding the threshold amount described by current National Pollution Discharge Elimination System (NPDES) requirements shall comply with the following additional requirements:

a. The property owner shall apply for and be issued an NPDES general stormwater permit from the Minnesota Pollution Control Agency (MPCA); and

b. The property owner or applicant shall submit to the City an approved copy of the erosion and sediment control plan as required for the NPDES by the MPCA.

B. Grading Permit Application Requirements. Application for Grading Permit approval may be initiated by the owner; user or potential user of the subject property by making application in writing to the Planning Division, on such forms as may be designated.

The application shall include ten (10) copies of clearly legible blue or black lined copies of all drawings on bond paper. The maximum size of plans shall be thirty inches by forty inches (30"x40"), and the minimum size shall be eleven inches by seventeen inches (11"x17").

The Grading Plan shall contain the following minimum information and any other items that the Planning Division considers necessary for the proper consideration of the application:

1. General Information.

a. The legal description of the property and evidence of ownership or an interest in the property;

b. A signature by the permitee, or his authorized agent, and the property owner;

c. Names, addresses, and phone numbers of the record owner, any agent having control of the land, the land surveyor, the engineer, and the designer of the plan;

d. A location map, including area within one-half mile of site;

e. Property survey with boundary line of property and property dimensions; an arrow indicating the direction of north; a scale, using a graduated line, which represents the drawn dimensions in relation to actual size of the project site, usually in number of feet per inch;

f. Date of plan preparation; and

g. A signature by a registered engineer or land surveyor.

2. Site Information.

a. Existing and proposed final grades utilizing a minimum of two-foot contour interval (at least 100 feet beyond the property boundary);

b. All hold-down elevations;

c. The location of any existing or proposed buildings, structures, fences and retaining walls, walks, roads, drives, and parking areas on the property where the work is to be performed and those on land of adjacent owners which are within 15 feet of the property or which may be affected by the proposed grading operations;

d. A delineation of all streams, rivers, ponds, public waters, designated flood plain, shoreland, and wetlands located on and immediately adjacent to the site, including depth of water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources (include MN DNR number and Ordinary High Water Level), the Minnesota Pollution Control Agency, the Fish and Wildlife Service, and/or the U.S. Corps of Engineers; and

e. Utilities and utility right-of-way and easements, including electric, natural gas, telephone, water (domestic and fire), and sewer (sanitary and storm).

3. Additional Information. The following plans are also required and may either be included on the site plan or separately, meeting the general application requirements and information:

a. A drainage plan that includes the direction flow for the different drainage areas, any engineering work for stormwater control and retention that may be necessary;

b. A tree preservation plan consistent with the application requirements of Title 11-6-6B;

c. An erosion control plan indicating the type and location of temporary and permanent erosion control measures to be used and a progress schedule addressing the critical dates of completion for erosion control, grading, seeding and related site work; and

d. A landscaping and site restoration plan including species, sizes, descriptions, and locations.

4. Fees and Financial Guarantee.

a. The fee required in the permit application as adopted by the annual City Council Resolution Establishing Fees; and

b. A financial guarantee, in the form of a cash escrow or letter of credit, of 150% of grading costs, or an amount sufficient to insure compliance with the approved permit and adequate site restoration, whichever is greater. The amount shall be based upon the size of the site, sensitivity of its surroundings, extent of grading, amount of material moved, necessary site restoration, and potential impacts upon public facilities, including damage to public roadways and property.

5. In addition to the items enumerated above, the city may require submission of the following:

a. A development concept plan indicating how the recontoured parcel may be developed in a manner consistent with City ordinances and the City's Comprehensive Plan;

b. A description of traffic movements to and from the site to ensure grading activity does not have a significant adverse affect on roads, intersections, or development in the area; and

c. Such other information as may be required by the City.

C. Administrative Review.

1. Grading plans that would result in moving more than 20 but less than 1,000 cubic yards of material per acre must be approved by the Planning Division. Grading plans within Wetland, Flood Plain or Shoreland Districts will also be administratively reviewed unless City Council review is required by ordinance or state regulations.

2. Individual items on the Grading Plans may be waived only with the approval of the Director of Community Development.

3. Upon receipt of a completed application, the City shall review the application and notify the applicant by mail of the decision to approve or deny the application. Grading permits shall be issued only for grading plans providing for adequate drainage, stormwater retention, and erosion and sediment control measures. The Planning Division may impose such modifications and conditions as may be necessary to protect the public interest.

4. Any applicant aggrieved by a decision of the Planning Division may appeal the determination to the Planning Commission in accordance with Title 11-2-6 of the Zoning Ordinance.

5. The owner shall arrange for a pre-meeting with City Planning staff to discuss the project schedule and to address other matters of concern before the grading permit is issued.

6. The City shall have the authority to revise a grading permit if on-site conditions or changing conditions make the original grading permit ineffective.

7. The City shall inspect the site for installation of appropriate erosion control, tree protection barriers, and other devices prior to issuance of the final grading permit.

8. The permittee shall notify the Planning Division when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion and sediment control measures have been completed in accordance with the final approved grading plan signed by the City.

D. Grading, Filling, and Excavating Standards.

1. Vegetation and Ground Cover. The plan shall maximize the preservation of trees and existing vegetation on the property according to Title 11-6-5 and 11-6-6 and the following:

a. Prior to commencement of grading, all trees identified for preservation shall be field identified and grading limits cordoned with a suitable barrier such as snow fencing by the applicant and verified by the City staff. The barrier shall be located to coincide to the extent practicable with the drip line of trees to be preserved;

b. Finished grades shall have a minimum topsoil of at least four inches;

c. All areas altered because of grading activity shall be permanently seeded or sodded within 10 days of site grading completion. The City may approve an extension of this deadline, if appropriate, but in no case shall site restoration be delayed beyond October 1;

d. All exposed soil areas within 100 feet of a water of the state or storm drain inlet, or conveyance channel within 100 feet of a water of the state, shall have temporary or permanent cover, consistent with current NPDES permit guidelines; and

e. In instances where an existing natural or created buffer will be impacted by grading or filling operations, site restoration shall be completed by the permitee in a manner which resembles, to the extent possible, the original vegetative and topographic state of the property, when deemed appropriate by the City; and

f. Any activity which changes the land surface, including removing vegetative cover, excavating, filling, grading, construction of any structure, or alteration of the topographic state of the property, and creates erosion or sedimentation problems, flooding, ponding and/or negatively alters water drainage shall be corrected by the owner, or designee as determined by City staff.

g. Permanent sediment basins should be designed and constructed with a maintenance access route from an established public right-of-way. This route shall be a minimum of twenty-five (25) feet in width and be at a maximum grade of 5:1 at the point of access to the basin. Sediment basins and their maintenance shall be completed in accordance with accepted design criteria, standards and specifications found in the MPCA publication "Protecting Water Quality in Urban Areas."

h. Temporary basins may be required as part of erosion and sediment control during construction operations. The duration of the basins is dependent upon the time of excavation and revegetation of the site.

2. Grading or Development Activities. The plan and grading activity must comply with the following:

a. Land shall be developed in phases of workable size such that adequate erosion and sediment control measures can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time;

b. For soil stockpiles greater that ten (10) cubic yards, the toe of the stockpile must be at least thirty (30) feet from any road, drainage channel, stormwater inlet, or water of the state. Erosion from stockpiles shall be controlled by placing appropriate barriers around the pile as necessary to contain sediments. If these measures do not adequately control the erosion, the piles shall be stabilized by mulching, vegetative cover, tarps, or other means. In street utility repair or construction, soil stockpiles located closer than 30 feet of a roadway, drainage channel, stormwater inlet or water of the state must be covered with tarps or suitable alternative control.

Any stockpile that is intended to be left over winter, must have a temporary vegetative cover established, and shall have adequate sediment control measures surrounding its perimeter by October 31;

c. All storm drain inlets shall be protected during construction, until permanent control measures are in place, with a temporary measure such as straw bales, silt fence or equivalent barrier meeting accepted design criteria, standards and specifications found in the MPCA publication "Protecting Water Quality in Urban Areas";

d. A temporary rock pad entrance must be installed at all points where vehicles exit a land alteration site and must be constructed prior to commencement of grading activity. The rock pad is to be maintained to accommodate continuous removal of mud from vehicles. The rock pad shall meet design criteria, standards and specifications found in the MPCA publication "Protecting Water Quality in Urban Areas";

e. Streets abutting the site shall be swept as needed to remove any sediment and/or debris that may accumulate due to land alteration activities. The City may require street sweeping within 24-hours of verbal or written notification. If the street is not swept, the City will clean the street and bill the owner or permitee, as determined by the Public Works Director;

f. Corrective action and landscape restoration for erosion or sedimentation problems on neighboring properties, or any location other than the permitted site, shall commence within 24-hours of written or verbal notification. Sediment removal from wetlands should not commence without prior approval of the City;

g. Under no circumstances shall organic material or construction debris from the site be buried;

h. Water pumped from the site, or from any dewatering operation associated with the permitted activity, shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators or other appropriate controls as appropriate, as determined by the City. Water may not be discharged in a manner that causes erosion, sedimentation or flooding of the site or receiving channels or a wetland;

i. The grading plan shall adhere to erosion and sediment control standards and specifications contained in the MPCA publication "Protecting Water Quality in Urban Areas" and the "Minnesota Construction Site Erosion and Sediment Control Planning Handbook";

j. All erosion and sediment control devices including silt fence, gravel, hay bales or other measures must be installed, consistent with the approved plan, and verified by the City prior to commencement of grading activity. All erosion and sediment control devices shall be removed from the construction site and properly disposed of or recycled within 30 days of the establishment of permanent vegetative cover on the disturbed areas;

k. The grading plan must comply with the City's Surface Water Management Plan;

l. The plan shall not result in sites that are unsatisfactory for development of permitted uses. The development potential of a site may be adversely impacted by such matters as unsuitable finished grades, poor soil stability, unsatisfactory drainage or exposure to deleterious influences such as highway frontage for residential property;

m. The plan shall include dust control measures such as daily or more frequent watering if needed for dust suppression;

n. Drainage swales shall be constructed to divert stormwater runoff towards a stormwater conveyance system or infiltration area for property treatment. Minimum grades on drainage swales should be 1.5 percent; and

o. Site grading activity cannot occur between the time period of 7:00pm and 7:00am except by special exception granted by the City Council.

3. Residential Standards. In general, residential developments should be designed to reduce potential runoff to the extent practical. Specific design issues, in additional to those regulations found within this section, may be addressed by the City during review of a formal planning application. Residential development must comply with the following additional standards:

a. Downspouts and drainage must be diverted away from impervious surfaces, steep slopes and ravines to the greatest extent possible;

b. Side slopes between adjacent houses should not be greater than 3:1 slope unless the original soil and vegetation is left undisturbed or there is sufficient area to construct a drainage swale to convey water away from the houses;

c. Prior to approval of a certificate of occupancy by the City, the owner and permitee shall certify that lot grades meet the standards set in the original grading plan. Such certification shall be completed by a registered surveyor. Lots occupied after November 15 and before April 30 of each year shall come into compliance by May 31 of each year. Survey certification requirements shall be guaranteed as part of the subdivision agreement; and

d. For grades greater than 4:1, a vegetative ground cover shall be established within 30 days of certificate of occupancy or no later than June 1 for homes occupied between October 1 and May 1.

4. Slopes.

a. No natural hillsides steeper than eighteen (18) percent shall be graded;

b. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seeding of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark, or other protective material. Mulch shall be anchored to slopes with stakes and netting, or shall be worked into the soil to provide additional slope stability;

c. At the foot of each slope, a channel and berm shall be constructed to control runoff. The channeled water shall be diverted to a sedimentation basin (debris basin, silt basin or silt trap) before being allowed to enter any natural drainage system; and

d. Along the top of each slope, a berm shall be constructed to prevent runoff from flowing over the edge of the slope if determined necessary by the City. Where runoff collecting behind the berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. Such measures shall either consist of an asphalt paved flow apron or drop chute laid flow apron. A riprap energy dissipater shall be installed to prevent erosion at the discharge end.

5. Modification of Plan. Control measures other than those specifically stated above, or contained in the Erosion and Sediment Control Plan approved by the City, may be used only upon expressed approval of the City, based on the determination that they will effectively protect against erosion.

6. Right of Entry and Inspection. The permittee and property owner shall allow the City and their authorized representatives, upon presentation of credentials:

a. To enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys.

b. To bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations.

c. To examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permitted activity.

d. To inspect the erosion and sediment control measures required by the permit.

e. To sample and monitor any items or activities pertaining to permits issued by the City.

f. To enter upon the permitted site for the purpose of correcting any grading condition that presents an imminent hazard to persons or property. Except in the case of emergencies, the City must notify the permittee of the condition to be corrected and provide the permittee a reasonable opportunity (not less than 24 hours) to correct the condition prior to entering the permitted site and performing the corrective work.

g. To enter upon the permitted site after the suspension or revocation of the permit for the purpose of correcting violations or providing appropriate stabilization and ground cover to address any erosion concerns.

E. Suspension or Revocation. The City may suspend or revoke a grading permit whenever the permit is issued in error or on the basis of incorrect information supplied, or is found to be in violation of any local, state, or federal ordinance or regulation or any of the provisions of this ordinance. The city will provide written notice of the intent to suspend or revoke the permit based upon the above criteria. If within 7 days of notification to the permittee, the situation related to the revocation or suspension has not be brought into compliance the permit will be considered null and void. The permittee may request a hearing before the Director of Community Development upon notice of the violation.

The City may suspend grading activity if it is found that the grading activity is in violation with this Section or any conditions stated on the face of the approved grading permit. To assure that the grading activity is being conducted in accordance with the conditions stated on the permit and with the requirements of this Subdivision, the Community Development Director may make, at the expense of the person or firm conducting the land alteration, those field measurements the Community Development Director deems necessary to assure that such conditions and requirements are being followed, such work to be done at the direction of the Community Development Director on an hourly basis at the time charge fixed by the Community Development Director.

F. Violations. Any person, company or organization who violates, fails to comply with, or assists, directs, or permits the violation of the terms or conditions of an approved site and building plan, landscape plan, or grading plan shall be guilty of a misdemeanor. Such violation shall be a violation of the approved site and building plan, landscape plan, or grading plan and shall render the approval or plan null and void.

Section 3. Effective Date. This ordinance shall be in full force and effect from and after its adoption and publication according to law.

Passed this 18th day of July 2001.

Sandra Shiely, Mayor

Attest:

Caron M. Stransky, City Clerk

BULLETIN NEWSPAPERS
AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
)ss.
COUNTY OF WASHINGTON)

JANICE A. ANDERSON

Being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as The South Washington County Bulletin and/or The Woodbury Bulletin, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statute 331.02, 331.06, and other applicable laws as amended.

(B) The printed **CITY OF COTTAGE GROVE ORDINANCE No. 701**

which is attached was cut from the columns of said newspaper, and was printed and published once a week, for 1 successive weeks; it was first published on Wednesday, the 1ST day of AUGUST 2001 and was thereafter printed and published on every Wednesday to and including Wednesday, the _____ day of _____ and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

*abcdefghijklmnopqrstuvwxyz

BY: Janice A Anderson

TITLE: Authorized Agent

Subscribed and sworn to before me on
this 1ST day of AUGUST 2001

Shannon L Maron

Notary Public, Washington County, Minnesota
My Commission Expires 1-31-2005

*Alphabet should be in the same size and kind of type as the notice.

SHANNON L. MARON
NOTARY PUBLIC-MINNESOTA
MY COMMISSION EXPIRES 1-31-2005

decompaction, by means of deep ripping to a depth of at least 18 inches, be incorporated into site restoration activities. The volume control benefit provided by the deep ripping activity can be applied toward the City's volume control requirement, per the methodology outlined in the SWWD Standards Manual.

Policy 6.5 – Detention basin design standards.

When new ponds are constructed for stormwater management purposes, they will be constructed to meet the City's standards for detention basin design (see Section 6.1.4), as well as those of the jurisdictional WMO. The sizing of the wet volume of the pond can be adjusted to account for runoff volume reduction features in the pond's watershed.

Policy 6.6 – Development pays for itself.

Storm drainage system financing shall be by trunk area assessments against benefiting properties and storm sewer facilities. All new developments shall be required to pay the prorated cost to dedicate land and construct a stormwater treatment facility meeting City requirements.

Policy 6.7 – Additional treatment can be required to protect downstream priority water bodies and/or meet jurisdictional WMO requirements.

The City may require, as a condition of approval to develop vacant land or redevelop existing sites, the construction by the developer of additional treatment features (to include ponds) or installation of appropriate best management practices over and above that required under Policy 6.1-6.2. This may be required even when existing improvements or ponds already are in place. The City can require these practices when it is necessary to protect the water quality of downstream priority water bodies. The City shall apply these requirements if necessary in order to meet the phosphorus load targets for Gables Lake, Ravine Park Lake and the Mississippi River as outlined in the South Washington Watershed District Plan (2007) and for O'Conner's Creek and Lake as outlined in the Lower St. Croix Watershed management organization Plan (2005).

Policy 6.8 – Control erosion at construction sites.

The City requires that applications for new or redevelopment activity include in their applications for City review, a SWPPP as required under the NPDES construction permit in effect at the time of review. Construction sites will be inspected to ensure compliance with the existing erosion and sediment control ordinance, jurisdictional WMO requirements, and with the construction site permit under NPDES Phase II rules administered by the MPCA. Inspections are performed weekly during the construction period. A plan review process and a financial security instrument are the primary instruments used to establish a basis for compliance.

Erosion and sediment control best management practices as outlined in "Protecting Water Quality in Urban Areas – Best Management Practices for Minnesota" by the MPCA (2000) will be required and must be shown on required submittals to the City for approval. Any street sweeping conducted by the City to remove erosional debris from streets will be charged to the owner of the property.

ORDINANCE NO. 701

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA; AMENDING TITLE 10, SUBDIVISION ORDINANCE OF THE CITY CODE CONCERNING TITLE 10-5-8 AND AMENDING TITLE 11, ZONING ORDINANCE OF THE CITY CODE CONCERNING TITLE 11-6-12

The City Council of the City of Cottage Grove, Washington County, Minnesota does ordain as follows:

Section 1. Amendment. "The Code of the City of Cottage Grove, County of Washington, State of Minnesota" shall be amended by deleting Title 10-5-8 "Erosion Control During Construction."

Section 2. Amendment. "The Code of the City of Cottage Grove, County of Washington, State of Minnesota" shall be amended by amending Title 11-6-12 to read as follows:

11-6-12: ~~**Surface Water Drainage** No land shall be developed and no use shall be permitted that results in water flooding or erosion on adjacent properties. Such runoff shall be properly channeled into a storm drain, watercourse, ponding area, or other public facility. All new development shall include provision of curbs and gutters along public streets. (1971 Code § 28-47)~~ **Grading, Filling or Excavation:**

A. General.

1. No person shall undertake, authorize, or permit any of the following actions without first having obtained a grading permit from the city:

a. Any excavating, grading, filling, or other change in the earth's topography resulting in the movement of more than 20 cubic yards of material, except in any wetlands, designated floodplain, or Shoreland District. A permit is not required in conjunction with a Council approved mining permit;

b. Earthwork undertaken in accordance with grading plans approved in conjunction with a site and building plan review, rural subdivision or plat approval;

c. Any excavation, grading, or filling in a wetland, designated floodplain, or Shoreland District.

4. The plan must be approved, where required, by appropriate watershed districts, the United States Army Corps of Engineers, the Minnesota Department of Natural Resources, and any other governmental agency that has jurisdiction.

5. In addition to all other plan requirements in this Chapter, any applicant disturbing an amount of total land area equal to or exceeding the threshold amount described by current National Pollution Discharge Elimination System (NPDES) requirements shall comply with the following additional requirements:

a. The property owner shall apply for and be issued an NPDES general stormwater permit from the Minnesota Pollution Control Agency (MPCA); and

b. The property owner or applicant shall submit to the City an approved copy of the erosion and sediment control plan as required for the NPDES by the MPCA.

B. Grading Permit Application Requirements. Application for Grading Permit approval may be initiated by the owner; user or potential user of the subject property by making application in writing to the Planning Division, on such forms as may be designated.

The application shall include ten (10) copies of clearly legible blue or black lined copies of all drawings on bond paper. The maximum size of plans shall be thirty inches by forty inches (30"x40"), and the minimum size shall be eleven inches by seventeen inches (11"x17").

The Grading Plan shall contain the following minimum information and any other items that the Planning Division considers necessary for the proper consideration of the application:

1. General Information.

a. The legal description of the property and evidence of ownership or an interest in the property;

b. A signature by the permitee, or his authorized agent, and the property owner;

c. Names, addresses, and phone numbers of the record owner, any agent having control of the land, the land surveyor, the engineer, and the designer of the plan;

d. A location map, including area within one-half mile of site;

e. Property survey with boundary line of property and property dimensions; an arrow indicating the direction of north; a scale, using a graduated line, which represents the drawn dimensions in relation to actual size of the project site, usually in number of feet per inch;

f. Date of plan preparation; and

g. A signature by a registered engineer or land surveyor.

2. Site Information.

a. Existing and proposed final grades utilizing a minimum of two-foot contour interval (at least 100 feet beyond the property boundary);

b. All hold-down elevations;

c. The location of any existing or proposed buildings, structures, fences and retaining walls, walks, roads, drives, and parking areas on the property where the work is to be performed and those on land of adjacent owners which are within 15 feet of the property or which may be affected by the proposed grading operations;

d. A delineation of all streams, rivers, ponds, public waters, designated flood plain, shoreland, and wetlands located on and immediately adjacent to the site, including depth of water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources (include MN DNR number and Ordinary High Water Level), the Minnesota Pollution Control Agency, the Fish and Wildlife Service, and/or the U.S. Corps of Engineers; and

e. Utilities and utility right-of-way and easements, including electric, natural gas, telephone, water (domestic and fire), and sewer (sanitary and storm).

3. Additional Information. The following plans are also required and may either be included on the site plan or separately, meeting the general application requirements and information:

a. A drainage plan that includes the direction flow for the different drainage areas, any engineering work for stormwater control and retention that may be necessary;

b. A tree preservation plan consistent with the application requirements of Title 11-6-6B;

c. An erosion control plan indicating the type and location of temporary and permanent erosion control measures to be used and a progress schedule addressing the critical dates of completion for erosion control, grading, seeding and related site work; and

d. A landscaping and site restoration plan including species, sizes, descriptions, and locations.

4. Fees and Financial Guarantee.

a. The fee required in the permit application as adopted by the annual City Council Resolution Establishing Fees; and

b. A financial guarantee, in the form of a cash escrow or letter of credit, of 150% of grading costs, or an amount sufficient to insure compliance with the approved permit and adequate site restoration, whichever is greater. The amount shall be based upon the size of the site, sensitivity of its surroundings, extent of grading, amount of material moved, necessary site restoration, and potential impacts upon public facilities, including damage to public roadways and property.

5. In addition to the items enumerated above, the city may require submission of the following:

a. A development concept plan indicating how the recontoured parcel may be developed in a manner consistent with City ordinances and the City's Comprehensive Plan;

b. A description of traffic movements to and from the site to ensure grading activity does not have a significant adverse affect on roads, intersections, or development in the area; and

c. Such other information as may be required by the City.

C. Administrative Review.

1. Grading plans that would result in moving more than 20 but less than 1,000 cubic yards of material per acre must be approved by the Planning Division. Grading plans within Wetland, Flood Plain or Shoreland Districts will also be administratively reviewed unless City Council review is required by ordinance or state regulations.

2. Individual items on the Grading Plans may be waived only with the approval of the Director of Community Development.

3. Upon receipt of a completed application, the City shall review the application and notify the applicant by mail of the decision to approve or deny the application. Grading permits shall be issued only for grading plans providing for adequate drainage, stormwater retention, and erosion and sediment control measures. The Planning Division may impose such modifications and conditions as may be necessary to protect the public interest.

4. Any applicant aggrieved by a decision of the Planning Division may appeal the determination to the Planning Commission in accordance with Title 11-2-6 of the Zoning Ordinance.

5. The owner shall arrange for a pre-meeting with City Planning staff to discuss the project schedule and to address other matters of concern before the grading permit is issued.

6. The City shall have the authority to revise a grading permit if on-site conditions or changing conditions make the original grading permit ineffective.

7. The City shall inspect the site for installation of appropriate erosion control, tree protection barriers, and other devices prior to issuance of the final grading permit.

8. The permittee shall notify the Planning Division when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion and sediment control measures have been completed in accordance with the final approved grading plan signed by the City.

D. Grading, Filling, and Excavating Standards.

1. Vegetation and Ground Cover. The plan shall maximize the preservation of trees and existing vegetation on the property according to Title 11-6-5 and 11-6-6 and the following:

a. Prior to commencement of grading, all trees identified for preservation shall be field identified and grading limits cordoned with a suitable barrier such as snow fencing by the applicant and verified by the City staff. The barrier shall be located to coincide to the extent practicable with the drip line of trees to be preserved;

b. Finished grades shall have a minimum topsoil of at least four inches;

c. All areas altered because of grading activity shall be permanently seeded or sodded within 10 days of site grading completion. The City may approve an extension of this deadline, if appropriate, but in no case shall site restoration be delayed beyond October 1;

d. All exposed soil areas within 100 feet of a water of the state or storm drain inlet, or conveyance channel within 100 feet of a water of the state, shall have temporary or permanent cover, consistent with current NPDES permit guidelines; and

e. In instances where an existing natural or created buffer will be impacted by grading or filling operations, site restoration shall be completed by the permitee in a manner which resembles, to the extent possible, the original vegetative and topographic state of the property, when deemed appropriate by the City; and

f. Any activity which changes the land surface, including removing vegetative cover, excavating, filling, grading, construction of any structure, or alteration of the topographic state of the property, and creates erosion or sedimentation problems, flooding, ponding and/or negatively alters water drainage shall be corrected by the owner, or designee as determined by City staff.

g. Permanent sediment basins should be designed and constructed with a maintenance access route from an established public right-of-way. This route shall be a minimum of twenty-five (25) feet in width and be at a maximum grade of 5:1 at the point of access to the basin. Sediment basins and their maintenance shall be completed in accordance with accepted design criteria, standards and specifications found in the MPCA publication "Protecting Water Quality in Urban Areas."

h. Temporary basins may be required as part of erosion and sediment control during construction operations. The duration of the basins is dependent upon the time of excavation and revegetation of the site.

2. Grading or Development Activities. The plan and grading activity must comply with the following:

a. Land shall be developed in phases of workable size such that adequate erosion and sediment control measures can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time;

b. For soil stockpiles greater that ten (10) cubic yards, the toe of the stockpile must be at least thirty (30) feet from any road, drainage channel, stormwater inlet, or water of the state. Erosion from stockpiles shall be controlled by placing appropriate barriers around the pile as necessary to contain sediments. If these measures do not adequately control the erosion, the piles shall be stabilized by mulching, vegetative cover, tarps, or other means. In street utility repair or construction, soil stockpiles located closer than 30 feet of a roadway, drainage channel, stormwater inlet or water of the state must be covered with tarps or suitable alternative control.

Any stockpile that is intended to be left over winter, must have a temporary vegetative cover established, and shall have adequate sediment control measures surrounding its perimeter by October 31;

c. All storm drain inlets shall be protected during construction, until permanent control measures are in place, with a temporary measure such as straw bales, silt fence or equivalent barrier meeting accepted design criteria, standards and specifications found in the MPCA publication "Protecting Water Quality in Urban Areas";

d. A temporary rock pad entrance must be installed at all points where vehicles exit a land alteration site and must be constructed prior to commencement of grading activity. The rock pad is to be maintained to accommodate continuous removal of mud from vehicles. The rock pad shall meet design criteria, standards and specifications found in the MPCA publication "Protecting Water Quality in Urban Areas";

e. Streets abutting the site shall be swept as needed to remove any sediment and/or debris that may accumulate due to land alteration activities. The City may require street sweeping within 24-hours of verbal or written notification. If the street is not swept, the City will clean the street and bill the owner or permitee, as determined by the Public Works Director;

f. Corrective action and landscape restoration for erosion or sedimentation problems on neighboring properties, or any location other than the permitted site, shall commence within 24-hours of written or verbal notification. Sediment removal from wetlands should not commence without prior approval of the City;

g. Under no circumstances shall organic material or construction debris from the site be buried;

h. Water pumped from the site, or from any dewatering operation associated with the permitted activity, shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators or other appropriate controls as appropriate, as determined by the City. Water may not be discharged in a manner that causes erosion, sedimentation or flooding of the site or receiving channels or a wetland;

i. The grading plan shall adhere to erosion and sediment control standards and specifications contained in the MPCA publication "Protecting Water Quality in Urban Areas" and the "Minnesota Construction Site Erosion and Sediment Control Planning Handbook";

j. All erosion and sediment control devices including silt fence, gravel, hay bales or other measures must be installed, consistent with the approved plan, and verified by the City prior to commencement of grading activity. All erosion and sediment control devices shall be removed from the construction site and properly disposed of or recycled within 30 days of the establishment of permanent vegetative cover on the disturbed areas;

k. The grading plan must comply with the City's Surface Water Management Plan;

l. The plan shall not result in sites that are unsatisfactory for development of permitted uses. The development potential of a site may be adversely impacted by such matters as unsuitable finished grades, poor soil stability, unsatisfactory drainage or exposure to deleterious influences such as highway frontage for residential property;

m. The plan shall include dust control measures such as daily or more frequent watering if needed for dust suppression;

n. Drainage swales shall be constructed to divert stormwater runoff towards a stormwater conveyance system or infiltration area for property treatment. Minimum grades on drainage swales should be 1.5 percent; and

o. Site grading activity cannot occur between the time period of 7:00pm and 7:00am except by special exception granted by the City Council.

3. Residential Standards. In general, residential developments should be designed to reduce potential runoff to the extent practical. Specific design issues, in additional to those regulations found within this section, may be addressed by the City during review of a formal planning application. Residential development must comply with the following additional standards:

a. Downspouts and drainage must be diverted away from impervious surfaces, steep slopes and ravines to the greatest extent possible;

b. Side slopes between adjacent houses should not be greater than 3:1 slope unless the original soil and vegetation is left undisturbed or there is sufficient area to construct a drainage swale to convey water away from the houses;

c. Prior to approval of a certificate of occupancy by the City, the owner and permitee shall certify that lot grades meet the standards set in the original grading plan. Such certification shall be completed by a registered surveyor. Lots occupied after November 15 and before April 30 of each year shall come into compliance by May 31 of each year. Survey certification requirements shall be guaranteed as part of the subdivision agreement; and

d. For grades greater than 4:1, a vegetative ground cover shall be established within 30 days of certificate of occupancy or no later than June 1 for homes occupied between October 1 and May 1.

4. Slopes.

a. No natural hillsides steeper than eighteen (18) percent shall be graded;

b. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seeding of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark, or other protective material. Mulch shall be anchored to slopes with stakes and netting, or shall be worked into the soil to provide additional slope stability;

c. At the foot of each slope, a channel and berm shall be constructed to control runoff. The channeled water shall be diverted to a sedimentation basin (debris basin, silt basin or silt trap) before being allowed to enter any natural drainage system; and

d. Along the top of each slope, a berm shall be constructed to prevent runoff from flowing over the edge of the slope if determined necessary by the City. Where runoff collecting behind the berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. Such measures shall either consist of an asphalt paved flow apron or drop chute laid flow apron. A riprap energy dissipater shall be installed to prevent erosion at the discharge end.

5. Modification of Plan. Control measures other than those specifically stated above, or contained in the Erosion and Sediment Control Plan approved by the City, may be used only upon expressed approval of the City, based on the determination that they will effectively protect against erosion.

6. Right of Entry and Inspection. The permittee and property owner shall allow the City and their authorized representatives, upon presentation of credentials:

a. To enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys.

b. To bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations.

c. To examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permitted activity.

d. To inspect the erosion and sediment control measures required by the permit.

e. To sample and monitor any items or activities pertaining to permits issued by the City.

f. To enter upon the permitted site for the purpose of correcting any grading condition that presents an imminent hazard to persons or property. Except in the case of emergencies, the City must notify the permittee of the condition to be corrected and provide the permittee a reasonable opportunity (not less than 24 hours) to correct the condition prior to entering the permitted site and performing the corrective work.

g. To enter upon the permitted site after the suspension or revocation of the permit for the purpose of correcting violations or providing appropriate stabilization and ground cover to address any erosion concerns.

E. Suspension or Revocation. The City may suspend or revoke a grading permit whenever the permit is issued in error or on the basis of incorrect information supplied, or is found to be in violation of any local, state, or federal ordinance or regulation or any of the provisions of this ordinance. The city will provide written notice of the intent to suspend or revoke the permit based upon the above criteria. If within 7 days of notification to the permittee, the situation related to the revocation or suspension has not be brought into compliance the permit will be considered null and void. The permittee may request a hearing before the Director of Community Development upon notice of the violation.

The City may suspend grading activity if it is found that the grading activity is in violation with this Section or any conditions stated on the face of the approved grading permit. To assure that the grading activity is being conducted in accordance with the conditions stated on the permit and with the requirements of this Subdivision, the Community Development Director may make, at the expense of the person or firm conducting the land alteration, those field measurements the Community Development Director deems necessary to assure that such conditions and requirements are being followed, such work to be done at the direction of the Community Development Director on an hourly basis at the time charge fixed by the Community Development Director.

F. Violations. Any person, company or organization who violates, fails to comply with, or assists, directs, or permits the violation of the terms or conditions of an approved site and building plan, landscape plan, or grading plan shall be guilty of a misdemeanor. Such violation shall be a violation of the approved site and building plan, landscape plan, or grading plan and shall render the approval or plan null and void.

Section 3. Effective Date. This ordinance shall be in full force and effect from and after its adoption and publication according to law.

Passed this 18th day of July 2001.

Sandra Shiely, Mayor

Attest:

Caron M. Stransky, City Clerk

BULLETIN NEWSPAPERS
AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
)ss.
COUNTY OF WASHINGTON)

JANICE A. ANDERSON

Being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as The South Washington County Bulletin and/or The Woodbury Bulletin, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statute 331.02, 331.06, and other applicable laws as amended.

(B) The printed **CITY OF COTTAGE GROVE ORDINANCE No. 701**

which is attached was cut from the columns of said newspaper, and was printed and published once a week, for 1 successive weeks; it was first published on Wednesday, the 1ST day of AUGUST 2001 and was thereafter printed and published on every Wednesday to and including Wednesday, the _____ day of _____ and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

*abcdefghijklmnopqrstuvwxyz

BY: Janice A Anderson

TITLE: Authorized Agent

Subscribed and sworn to before me on
this 1ST day of AUGUST 2001

Shannon L Maron

Notary Public, Washington County, Minnesota
My Commission Expires 1-31-2005

*Alphabet should be in the same size and kind of type as the notice.

SHANNON L. MARON
NOTARY PUBLIC-MINNESOTA
MY COMMISSION EXPIRES 1-31-2005

Section 3 – Goals and Policies

3.1 PURPOSE

The primary purpose of the SWMP is to provide guidance on how the City of Cottage Grove intends to manage its surface water. Over time, significant advancement has been made in our understanding of how natural and man made systems function in the context of rainfall, infiltration and runoff. New regulations have been created that reflect increased protection for water bodies and emphasize treatment of stormwater to protect downstream resources and groundwater.

A number of the City's goals and policies are guided by federal, state, regional and local mandates, while others arise out of the City's own desire to protect its natural resources in light of its unique character and circumstances. A number of regulations, strategies and tools have emerged to manage the City's land and water resources effectively.

Together these regulations, initiatives and programs provide the basis for the strategies and requirements set forth by the City to guide the protection and management of the water resources within the City. This section of the SWMP specifically outlines the City's goals and policies related to surface water management. The goals and policies are consistent with the requirements of Minnesota Rules 8410 and Minnesota Statute 103B.235 (Local Water Management Plans), and demonstrate a desire, willingness, and commitment by the City to reach and sustain a high quality of life for its residents.

3.2 CITY OF COTTAGE GROVE

Surface water management is a strong component of the City's overall approach to protecting and preserving the community's natural resources. The City of Cottage Grove recognizes both the value and impact that surface water can have on the quality of life in the community. In this plan, the term surface water is used broadly to refer to:

- Wetlands
- Lakes and ponds, either natural or artificial
- The overland runoff resulting from rainfall or snow melt events
- Streams and other natural channels
- The Mississippi River
- Features constructed to temporarily or permanently store runoff such as infiltration areas

Surface water management also includes the infrastructure designed and constructed to convey, control and protect surface water resources.

The goals and policies form the framework of the stormwater management strategies of the City of Cottage Grove. A goal is a desired end toward which the City's policies, standards, criteria and rules are directed. A policy is a governing principle, a means of achieving an established goal. Policies prescribe a general course of conduct that leads toward goal achievement.

Goal 1: Manage surface and groundwater resources using approaches that meet or exceed regulatory requirements.

Policy 1.1 – The City will meet, or if required, exceed the adopted surface and groundwater protection and management (including karst-sensitive areas) standards and requirements of the jurisdictional WMO, as well as those adopted by the Metropolitan Council and the State of Minnesota, including the Total Maximum Daily Load (TMDL) program and the National Pollutant Discharge Elimination System (NPDES) Phase 2 requirements.

The City will comply with the Lower St. Croix Watershed Management Organization's current Plan (adopted June, 2005) and with the current rules (adopted February 2008) for those areas of the City within the LSCWMO jurisdiction. The LSCWMO rules are attached in Appendix F. The City will comply with the South Washington Watershed District's updated Plan (adopted by the SWWD in November 2007) and the Standards Manual when it is finalized. As per past discussion and agreement with the SWWD, however, the City will administer the runoff volume control requirements and wetland impacts in regional stormwater conveyance corridors according to Policies 6.1-6.2 and 5.4, respectively, of this Plan.

Policy 1.2 – The City is committed to the goal of nondegradation to area water resources. Upon MPCA approval of the City's Nondegradation Review, the City will implement the revisions to the City's Storm Water Pollution Prevention Program (SWPPP) to address nondegradation - as approved.

Policy 1.3 – The City will adhere to the following policies relating to groundwater protection as contained in the Washington County 2003-2013 Groundwater Plan:

- Work to coordinate with other local government units for groundwater sensitive areas, wellhead protection areas, water use contingency and allocation plans and other groundwater issue where the plans may affect other jurisdictions.
- Adopt a wellhead protection plan; where necessary, create overlay districts and standards and incorporate into zoning ordinances and other related land use regulations.
- Develop land use regulations to protect groundwater resources based on completed studies and rankings of groundwater recharge areas.
- Consider requiring a groundwater monitoring plan or groundwater protection plan as part of a permit application for businesses that store, use, or transport hazardous materials and for properties formerly used as waste disposal sites or transfer facilities. Where available, use wellhead protection plans to support this process.

The City will also take into account the recommendations of the completed Phase 1 and 2 efforts of the Wellhead Protection Plan and the source water assessment completed by the Minnesota Department of Health in its management of land use activities.

Goal 2: Provide adequate flood protection for residents and structures and protect the integrity of conveyance channels and stormwater detention areas.

Policy 2.1 – Adopt appropriate precipitation events for design of system components.

Storm sewers will be sized/designed using the intensity-duration-frequency curves presented in the MnDOT Drainage Manual for the 5-year 24-hour precipitation event. Lake, natural pond/wetland, and detention pond high water levels will be based on a 6.3-inch 24-hour type II distribution rainfall event.

Policy 2.2 – Establish freeboard standards to minimize the potential for flooding of critical structures, such as buildings.

High water levels shall be established as an area develops or when drainage facilities are constructed for an area. For stormwater facilities with emergency overflows, the low entry elevation for all new structures must be a minimum of 3 feet above both the peak surface water elevation for the 100-year precipitation event and 2 feet above the emergency overflow elevation of any immediately adjacent new stormwater basin. The submitted grading plan for this basin must identify the direction of overflow and provide adequate flowage easements for the overflow. For backyard and side-yard conveyance and temporary ponding areas, there must be at least 1 foot between the overland overflow elevation and the low entry of the adjacent structure.

In land-locked areas with no practical emergency overflow, the low entry of new structures shall be a minimum of 2 feet above the peak water level elevation of back-to-back 100-year recurrence interval precipitation events, and at least 5 feet above the peak water surface elevation generated by the critical 100-year recurrence interval precipitation event. New land-locked ponds constructed in the jurisdiction of the LSCWMO are subject to the land locked basin requirements of the LSCWMO, as identified in Section 8.0 of the LSCWMO Rules included in Appendix F.

Policy 2.3 – Establish peak flow limits to avoid increases in downstream rates caused by development and protect channel integrity.

At a minimum, peak flow rates after development shall not exceed pre-development peak flow rates for the critical 1-year, 2-year, 10-year, and 100-year recurrence interval precipitation events. More restrictive rate control criteria may be required in order to protect the integrity of downstream conveyance channels. Both the SWWD and LSCWMO provide guidance as to the acceptable runoff parameters for characterizing an existing condition, particularly for agricultural runoff. The City adopts the defined parameters of the jurisdictional Watershed Management Organization (WMO).

Policy 2.4 – Follow watershed authority rules and guidelines in siting detention ponds and other stormwater management features in karst-sensitive areas.

Guidance from the watershed authorities will be used to determine karst-sensitive areas. Watershed authority technical guidance and rules as well as the Minnesota Stormwater Manual and guidance from the Minnesota Department of Health will be followed in determining the suitability of specific sites for certain stormwater management features and only those features for which the site is suitable will be approved for installation by the City.

Policy 2.5 – The City will preserve flood storage.

The City shall maintain a policy of "no net loss of storage capacity" in designated stormwater ponding areas.

Goal 3: Pursue the reduction of Total Phosphorus (TP) and Total Suspended Solids (TSS) loading to water bodies by compliance, municipal management activities, and public education.

Policy 3.1 – Encourage the incorporation of acceptable Low Impact Development (LID) techniques.

The City recognizes the water quantity and quality benefits provided by incorporating LID techniques into development within the City. The City is committed to working with developers to incorporate suitable LID techniques into future development.

Policy 3.2 – Minimum Best Management Practices (BMPs) performance criteria.

The City requires that new development projects include BMPs that at a minimum achieve post-development reductions in TP and TSS by 50% and 80%, respectively.

Policy 3.3 – Comply with the NPDES Phase II program administered by the Minnesota Pollution Control Agency (MPCA).

This program is focused on regulating stormwater runoff. The City of Cottage Grove will comply with this program by developing and submitting appropriate documentation as required by the program and performing related tasks as appropriate.

Policy 3.4 – Promote compliance with zero-phosphorus content fertilizer legislation.

Effective January 1, 2004, Minnesota state law bans application of fertilizer containing phosphate to lawns with some exceptions, such as, where a recent soil test has shown the lawn soil is deficient in phosphorus. State law also requires clean-up of any fertilizer spread or spilled on paved surfaces. The City will promote awareness of this law in public education efforts.

Policy 3.5 – Reduce the use of sand in street de-icing procedures.

The City strives to tailor applications of sand for ice control in a way which balances public safety with environmental quality. The City recognizes that excessive application of sand on impervious surfaces results in significant sedimentation of downstream ponds and basins.

Policy 3.6 – Street sweeping to protect water quality will, at a minimum, be carried out in the spring and fall.

The City undertakes two seasonal street sweeping efforts. Streets are swept once in the spring as soon as practical. Streets are swept once in the autumn, generally after most leaves have fallen and targeting mature tree areas. Sweeping operations are conducted as necessary throughout the year.

The City intends to keep informed of street sweeping technologies and evaluate replacing obsolete equipment with more efficient updated equipment, subject to available funding and according to capital improvement priorities.

Policy 3.7 – Implement a storm system maintenance program based on objective standards.

The City will continue to be actively engaged in stormwater inspection, operation and maintenance, and repair of the stormwater system on a day-to-day basis. The City will follow a formal inspection, cleaning, and repair schedule. As required under the City's NPDES Municipal Separate Storm Sewer System (MS4) permit, at least 20% of the system will be inspected annually. Frequency of maintenance is event-based and driven by experience and inspection results.

Policy 3.8 – Dumping of wastes into the storm drainage system is illegal.

The City prohibits, through ordinance, the discharge of foreign material into the stormwater system, including refuse, yard wastes, sewage, industrial waste or other substances. Examples of other substances include materials such as oil, gasoline, antifreeze, paint, solvent, herbicides/pesticides, pet waste and other ecological harmful chemicals.

Policy 3.9 – The City will have spill response capability.

The City has access to spill clean-up kits in selected locations. The City will review its current program for spill response capability within one year of the date of adoption of this plan by the City Council, and if warranted, develop improvements in its spill response capability. Karst-sensitive areas as identified by the Minnesota Department of Health and the appropriate watershed management organization will have spill response plans.

Policy 3.10 – Carry out public education.

The City will actively implement an ongoing public education program. The program is directed primarily at City residents. Its objectives are to reduce phosphorus and sediment loadings to water bodies. Newsletter mailings and brochures are primary vehicles for the program. The City also seeks out educational institutions within its community to implement programs and/or activities. The City is participating in the Washington County shared water resources educator program.

Goal 4: Classify and effectively manage water bodies in the community to achieve watershed management organization, state, and federal regulatory agency standards.

Policy 4.1 – The City adopts the classification and water quality protection standards for significant water bodies within the City of Cottage Grove as specified in each of the current watershed management organization plans.

The classification and standards of the South Washington Watershed District Plan, adopted in November 2007, will be applied to Gables Lake, Ravine Lake and the Mississippi River and the classification and standards of the Lower St. Croix Watershed Plan, adopted in June 2005, will be applied to O'Conners Creek.

Policy 4.2 – Develop guidelines for managing ponds with no developed public access.

The City will implement adequate maintenance for all ponds that are part of the City's stormwater management system to minimize as much as reasonably possible blockages of inlets to- and outlets from- ponds, to maintain the original flood storage capacity, and to insure that each pond functions adequately as part of the City's flood management system.

Water quality or habitat improvement efforts for ponds without a developed public access must be balanced against overall public benefits. Property owners abutting a pond may desire that pond to provide or improve functions beyond what the City intends through this plan, such as improvement of aesthetics. In such cases, the City will work with affected residents in an advisory capacity to improve the pond environment. Where a city-wide benefit and city-wide knowledge can be gained, however, the City may elect to either assist with or implement itself, management measures on a specific pond.

Policy 4.3 – The City requires adequate pretreatment of stormwater runoff from development and redevelopment activities prior to discharge into all waterbodies.

Goal 5: Classify and manage wetlands in the community.

Policy 5.1 – The City will assess the function and value of wetlands.

Approximately 2/3 of the wetlands within the City were assessed as part of an effort by the South Washington Watershed District in 1998. The inventory data associated with that assessment will be used by the City to guide management of those wetlands. The City shall establish a schedule for completing a function and value assessment for the remaining wetland complexes in the City (approximately 40, located in the eastern third of the City). That schedule will be phased so that the assessments are completed before subdivision of the affected areas occurs.

Policy 5.2 – The City will develop and apply wetland buffer standards.

Wetland buffer zones are required on all public and private property which abuts water body. The City will adopt the applicable wetland buffer standards of the jurisdictional WMO, or where no standards exist, will establish minimum buffer widths and types based on wetland size, function, and value (see Chapter 4). The buffer standards will be applied to wetlands within parcels that are the subject of new development activity that must be approved by the City, or in accordance with the rules of the jurisdictional WMO.

Policy 5.3 – The City will administer the overall wetland protection and preservation programs.

The City will act as the Local Government Unit (LGU) for administration of the Wetland Conservation Act (WCA) of 1991 and all subsequent amendments in all portions of the City. This will include the application of officially adopted wetland protection standards promulgated through the WCA, NPDES MS4 permit, and the watershed management organizations covering the City as they relate to:

- wetland impact sequencing
- pre-treatment of stormwater prior to discharge to wetlands
- wetland replacement

The City will uphold the objective of no net loss in wetland functions and values within the City and comply with the most current WCA regulations for mitigation and acreage requirements for any filling, draining, or excavation of a wetland.

Policy 5.4 – Where it is infeasible to meet watershed authority standards for wetland protection within the regional stormwater conveyance corridors identified on Map 3 in Appendix A and also discussed in Section 4.3, the City will work with the appropriate watershed authority to allow the corridor to serve a regional stormwater conveyance function.

The regional stormwater conveyance corridors identified on Map 3 in Appendix A of this plan are essential components of the natural and man-made stormwater conveyance system that carries runoff from the communities of Lake Elmo, Woodbury, and Cottage Grove to the Mississippi River. In addition, these conveyance routes have been identified as regionally important stormwater management features in past City and SWWD plans. The corridors are particularly important for conveyance of flood flows that could otherwise cause significant property damage. The City will work with the SWWD to manage wetland impacts and still allow use of the regional conveyance corridor.

Goal 6: Regulate new development and redevelopment activities.

Policy 6.1 – The City will comply with watershed authority and NPDES Construction Permit standards for management of stormwater runoff for all development activity disturbing 1 acre or more of land or according to the rules/regulations of the appropriate watershed authority within which the project is located, which ever is more restrictive. For projects within the jurisdiction of the LSCWMO, specific thresholds that trigger LSCWMO rules are included in Section 1.2 of the LSCWMO rules.

For areas of the City within the Lower St. Croix Watershed Management Organization (LSCWMO), the City will comply with LSCWMO standards for runoff volume reduction and stormwater treatment as presented in their Rules and Regulations adopted February 13, 2008 and effective June 1, 2008. For areas of the City within the South Washington Watershed District (SWWD), the City will comply with runoff volume reduction and stormwater treatment as presented in SWWD Plan adopted November 2007, except that in place of the variable area-specific volume control requirements, the City shall apply a uniform volume control requirement equal to infiltrating 1" of runoff from new impervious areas of a development. Where meeting the standards referred to above is not adequate to meet the nondegradation requirements of the City's MS4 permit, the City will require additional controls in order to meet those MS4 permit requirements.

For re-development projects, the volume control standard will apply to new impervious area, which is the difference between the total impervious area of the site before the re-development activity and total impervious area for the post-re-development condition.

Where regional facilities are used to manage stormwater from development activity, the regional facilities will be constructed and operational prior to development.

Policy 6.2 – Where infiltration to fully meet the volume control measure is not desirable or is impossible, an Alternative Sequencing procedure will be applied to achieve compliance.

Based on guidance from the watershed authorities, the MN Department of Health, and the State of Minnesota Stormwater Manual, the City will not allow infiltration practices:

- For runoff from fueling and vehicle maintenance facilities
- Within HSG D type soils

- Within 100 feet of a private well, within the emergency response zone for a wellhead protection area
- Within 50 feet of a septic tank of drain field
- On areas with less than 3 feet of vertical separation from the bottom of the infiltration system to the elevation of the seasonal high groundwater elevation or top of non-karst bedrock
- Within 300 feet of an identified sinkhole or other karst feature

At the discretion of the City Engineer, infiltration practices may not be allowed:

- Within a vulnerable (very high, high, or moderate vulnerability) Drinking Water Supply Area
- For runoff from a Potential Stormwater Hotspot (PSH) as defined in the State of Minnesota Stormwater Manual (2005)
- In a known or suspected karst-sensitive area

For areas within the jurisdiction of the Lower St. Croix Watershed Management Organization, the Alternative Compliance Sequencing procedure outlined in the LSCWMO rules adopted in February 2008 will be followed. For areas outside of the LSCWMO, the following Alternative Compliance Sequencing will be followed:

- The applicant will provide documentation for why infiltration is not feasible or allowable
- The applicant will reduce impervious surface associated with the proposed action to the maximum extent practical
- The applicant will use to the maximum extent practical filtration and biofiltration practices, using an underdrain and an impermeable liner, that are sized to meet the volume control requirement for the site. The MN Stormwater Manual will be used as the definitive guide in designing and installing the filtration/biofiltration feature. If the applicant can show that the full volume of runoff for the appropriate volume control standard is filtered, the volume control requirement will be deemed to have been met. Other alternative BMPs will also be considered by the City if the applicant can demonstrate equivalency with the City's requirement.

If the applicant has followed the Alternative Sequencing procedure above and the full runoff volume control standard is still not met, the applicant will pay a cash dedication as a last resort. The procedure for calculating the appropriate cash dedication amount is presented in Section 5.4 of this Plan and the revenue from cash dedications will be ear-marked exclusively for water quality or runoff volume reduction improvements in the City.

Policy 6.3 – Pursue infiltration of stormwater runoff as appropriate primarily for water quality protection, stream baseflow preservation, and channel protection.

Infiltration of stormwater should be applied as a technique to limit peak flows and runoff volumes for precipitation events greater than a 1-year event (2.4 inches of rainfall in 24 hours) only when reviewed and approved by the City Engineer. Even when approved, outlets/emergency overflows need to be provided for the infiltration areas to assure that freeboard requirements in Policy 2.2 are met for adjacent low structures

Policy 6.4 – Soil decompaction

The City encourages the practice of re-establishing the native infiltrative capacity of soils upon completion of mass grading activities. During the development review process, the City will recommend that soil

decompaction, by means of deep ripping to a depth of at least 18 inches, be incorporated into site restoration activities. The volume control benefit provided by the deep ripping activity can be applied toward the City's volume control requirement, per the methodology outlined in the SWWD Standards Manual.

Policy 6.5 – Detention basin design standards.

When new ponds are constructed for stormwater management purposes, they will be constructed to meet the City's standards for detention basin design (see Section 6.1.4), as well as those of the jurisdictional WMO. The sizing of the wet volume of the pond can be adjusted to account for runoff volume reduction features in the pond's watershed.

Policy 6.6 – Development pays for itself.

Storm drainage system financing shall be by trunk area assessments against benefiting properties and storm sewer facilities. All new developments shall be required to pay the prorated cost to dedicate land and construct a stormwater treatment facility meeting City requirements.

Policy 6.7 – Additional treatment can be required to protect downstream priority water bodies and/or meet jurisdictional WMO requirements.

The City may require, as a condition of approval to develop vacant land or redevelop existing sites, the construction by the developer of additional treatment features (to include ponds) or installation of appropriate best management practices over and above that required under Policy 6.1-6.2. This may be required even when existing improvements or ponds already are in place. The City can require these practices when it is necessary to protect the water quality of downstream priority water bodies. The City shall apply these requirements if necessary in order to meet the phosphorus load targets for Gables Lake, Ravine Park Lake and the Mississippi River as outlined in the South Washington Watershed District Plan (2007) and for O'Conner's Creek and Lake as outlined in the Lower St. Croix Watershed management organization Plan (2005).

Policy 6.8 – Control erosion at construction sites.

The City requires that applications for new or redevelopment activity include in their applications for City review, a SWPPP as required under the NPDES construction permit in effect at the time of review. Construction sites will be inspected to ensure compliance with the existing erosion and sediment control ordinance, jurisdictional WMO requirements, and with the construction site permit under NPDES Phase II rules administered by the MPCA. Inspections are performed weekly during the construction period. A plan review process and a financial security instrument are the primary instruments used to establish a basis for compliance.

Erosion and sediment control best management practices as outlined in "Protecting Water Quality in Urban Areas – Best Management Practices for Minnesota" by the MPCA (2000) will be required and must be shown on required submittals to the City for approval. Any street sweeping conducted by the City to remove erosional debris from streets will be charged to the owner of the property.